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ABSTRACT

The student's and teacher's resource books contain primary sources that focus on the values, beliefs, and interests that influenced the political development of the United States as a nation. Students revisit the events and controversies of 1763-88 through primary source documents and reconstructed debates to gain a deeper understanding of the political climate of the era and the values that contributed to the nation's political foundation. In exploring the parallels between the debates of 1776 and 1788 and the country's current political discourse, students gain an insight into the issues that define the current age. A "Chronology of America's Foundation: 1754-1791" and suggested readings are included in the student's book. The teacher's resource book contains 10 lesson plans that stress interactive, group-oriented learning and student-centered instruction. The teacher's book contains student readings; a framework for policy options; the lesson plans; and resources for structuring cooperative learning, role-plays, and simulations. (CB)

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CHOICES FOR THE 21st CENTURY

A More Perfect Union: Shaping American Government

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ALTERNATIVES FOR PUBLIC DEBATE
AND POLICY DEVELOPMENT

A program of the Thomas J. Watson Jr.
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A More Perfect Union: Shaping American Government is the fifth unit in a series that applies the Choices approach to critical junctures in history. The Choices Education Project also publishes an ongoing series on current foreign policy issues. All units in the *Choices for the 21st Century* series are updated regularly.

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for the 21st Century
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The Choices for the 21st Century Education Project develops curricula for high schools and colleges on current foreign policy issues and offers workshops, institutes, and in-service programs for high school teachers. Course materials place special emphasis on the importance of educating students in their participatory role as citizens.

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Thomas J. Biersteker
Director

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THE CHOICES FOR THE 21ST CENTURY EDUCATION PROJECT is a program of the Thomas J. Watson Jr. Institute for International Studies at Brown University. CHOICES was established to help citizens think constructively about foreign policy issues, to improve participatory citizenship skills, and to encourage public judgment on policy priorities.

THE THOMAS J. WATSON JR. INSTITUTE FOR INTERNATIONAL STUDIES was established at Brown University in 1986 to serve as a forum for students, faculty, visiting scholars, and policy practitioners, who are committed to studying global problems and developing international initiatives to benefit society.

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Part I: In the Beginning — Englishmen in the New World

Christopher Columbus' arrival in the New World in 1492 set off a wave of European discovery and exploration that changed the course of history. Compared to Spain and Portugal, England was a latecomer in the rush across the Atlantic Ocean. Nonetheless, by the end of the 16th century the English had laid claim to vast tracts of territory in North America.

The kings and queens of England wanted to encourage their subjects to establish settlements in the New World. They permitted select groups to found colonies, or "plantations" as they were called, in North America. The colonies were seen largely as business ventures and often failed to get off the ground. In some cases, private investors formed a company, much like those listed on stock exchanges today, to launch a colony. They supplied the resources and attracted settlers. In other cases, a wealthy aristocrat or the English monarch would sponsor a colony.

Private investors were required to obtain a charter to establish a colony. Through the charter, the English monarch defined the territory assigned to the colony, ensured that the crown would receive a portion of any minerals found in the colony, described the procedures by which the colony would be governed, and guaranteed that the settlers would retain the full rights and privileges of Englishmen.

NOTE TO STUDENTS

Protests against taxes, armed groups defying the government, threats and terrorist attacks aimed at symbols of power, and heated debates in the media about individual rights and government authority. It all sounds familiar. And yet this turmoil and upheaval is meant to describe the circumstances of the 2 million people living in the original thirteen states during the late 1700s. As you work through this unit, you will understand how the founders of our country grappled with the issues of their day.

The controversies of the 18th century about the purpose and limits of government, as well as the violent struggle for independence, represent the birth pangs of our country. They also speak to us today. Like America's founders, we too are engaged in the process of rethinking what we want our government to be. The debates of more than two centuries ago help us clarify the choices we as responsible citizens must face.

In *A More Perfect Union: Shaping American Government*, you will experience the events of 1763-88 as Americans of that time experienced them. You will study the political ideas, public statements, and actions that led to the creation of the United States.

As is the case today, Americans in 1776 or 1788 were hardly unanimous about framing the political structure of their society. On the contrary, divisions and disagreements ran deep. In this unit, you will examine primary sources to reconstruct the conflicts of the late 1700s. You will be given a special insight into the difficulties confronting our country's founders and the timelessness of the issues they raised. As you will see, this unit is far removed from the portraits of elderly statesmen in frock coats and powdered wigs. Instead, you will discover the fiery radicals, conscience-torn loyalists, and reluctant patriots who, each in their own way, strove to secure life, liberty, and well-being for themselves, their families, and their communities.

Finally, you should pay special attention to the primary source documents included in this unit. Although the English language of past centuries poses a challenge for readers today, you should be prepared to examine the documents closely. Your will gain a clearer understanding of the emotions and reasoning expressed during the first years of the American republic.

> *James, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, etc....vouchsafe unto them [the listed investors] our license to make habitation, plantation, and to deduce a colony of sundry of our people into that part of America commonly called Virginia....Our subjects which shall dwell and inhabit within every or any of the said several colonies and plantations, and every of their children, which shall happen to be born within any of the limits and precincts of the said several colonies and plantations shall have and enjoy all liberties, franchises, and immunities, within any of our other dominions, to all intents and purposes, as if they had been abiding and born within this our realm of England.*
>
> *—Charter of the Virginia colony, issued by King James I in 1606*

MERCANTILISM GUIDES COLONIAL POLICY

From the standpoint of the rulers of England and other European nations, the colonies in the New World existed to strengthen the "mother country" economically and politically. The policy of mercantilism largely determined relations between England and the American colonists. In accordance with the principles of mercantilism, England's rulers saw the New World as a source of raw materials.

The American colonies were expected to export food and basic commodities to the mother country and their sister colonies. In line with mercantilist goals, the colonies produced indigo, cotton, and furs for the workshops of England. Lumber, tar, and hemp equipped England's growing navy. Gold, silver, and even iron ore were shipped to English ports. At the same time, colonists enjoyed the full privileges of English subjects in trading with the mother country and England's other colonial possessions.

Exports from America gave England an edge in its ongoing competition with the other European powers. The colonies contributed to England's wealth and made the mother country less dependent on imports from the European mainland. In times of war, England made use of the ships built in the colonies, drafted colonial sailors to serve aboard warships, and enlisted colonial militias to fight in North America. In return, the colonies were protected by the English military from attacks by England's European rivals and their Indian allies.

Trade restrictions

Mercantilist policy in England also defined the colonies as closed markets for manufactured goods from the mother country. English rulers hoped to fuel the growth of local industries and increase the national wealth through exports to the colonies. Under the Navigation Acts, England tightly controlled trade in the Americas. Colonial merchants were generally forbidden to import goods from other countries, even if the price of English goods was higher. The few foreign imports that were allowed into the colonies had first to be shipped to an English port, transported across the Atlantic on an English vessel, and resold through an English merchant.

In most years, the value of the finished goods imported from England exceeded the value of the raw materials exported from the colonies. Colonial merchants who resold English goods were required to pay their English wholesalers in gold and silver coin. English authorities also demanded that colonial merchants pay taxes on imported items in gold or silver. The gap in trade, referred to as the "balance of payments deficit," meant that the colonies often suffered a shortage of gold and silver coins. Whatever gold or silver the colonists acquired through trade quickly flowed back to England.

Despite the restrictions of mercantilism, the colonies prospered and grew. By 1766, the population along the Atlantic Coast had risen to about 2 million. (The population of England and Wales at the same time was roughly 7 million.)

Moreover, the colonists were gradually developing an identity that set them apart from Britain. They had carved a society from the wilderness that was much more democratic than that of Britain. White men in the colonies were more likely to be involved in the decision-making process of government than their English counterparts. They were also more likely to work for themselves, primarily as small farmers, and to be able to read and write.

BRITAIN'S LIGHT HAND

In practice, the control which Britain exercised over the colonies was much more lax than the principles of mercantilism would imply. Smuggling became a major business up and down the Atlantic seaboard. Illegal trade allowed merchants to market non-British products and avoid paying high taxes. Many reaped huge profits. John Hancock, the richest man in British North America, made much of his fortune through smuggling. In some American ports, smuggled goods accounted for half of the imported cargo of manufactured goods.

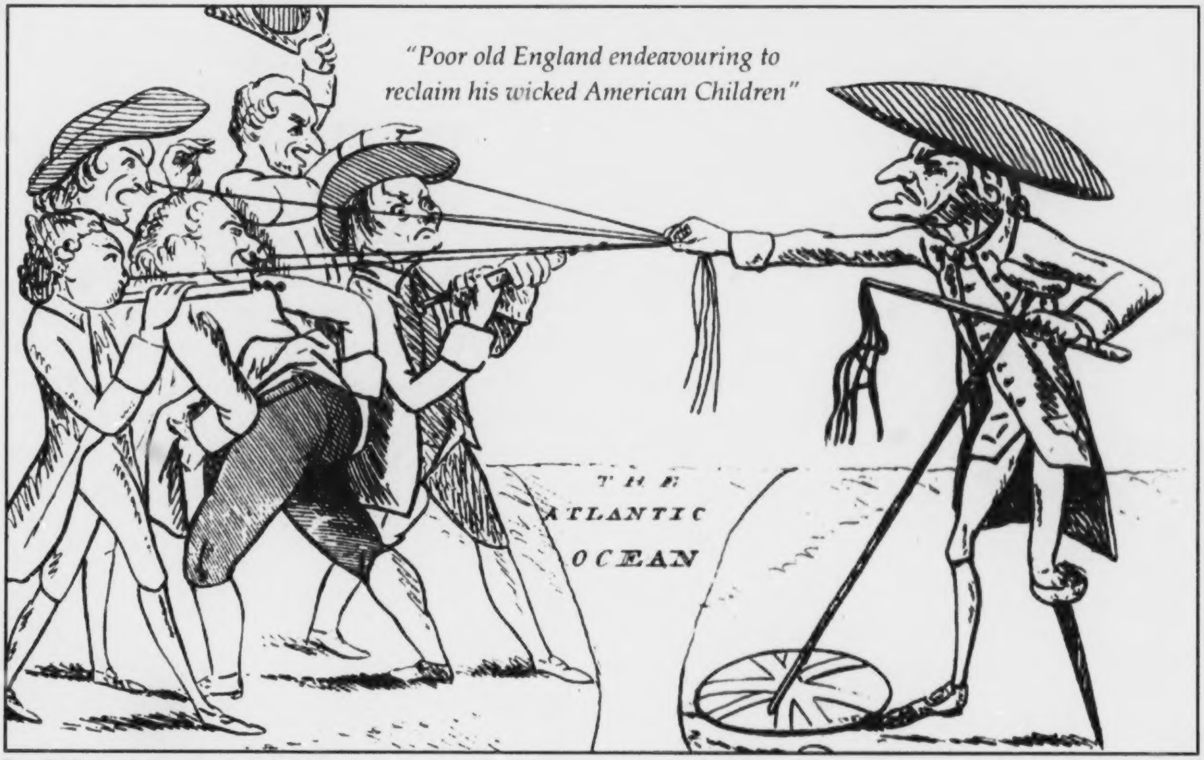
Smuggling also involved exports. The colonists illegally sold their cargoes in French, Dutch, and Spanish ports to avoid taxes and regulations. In turn, they were paid in gold or silver, which helped the colonies close the balance of payments deficit with Britain.

The colonists vigorously opposed efforts to curtail smuggling. They pointed out that smuggling was widespread in Britain itself. In fact, the illegal trade in wine and tea in Britain was worth more than 3 million pounds sterling a year. (The purchasing power of a pound sterling in the 1700s was equivalent to about $100 today.) In light of the strong stance of the colonists, royal customs officials often turned a blind eye to smuggling. Not only did they fear a backlash from the colonists, but British officials also recognized the central role of illegal trade in the colonial economy.

Colonial government

Although the principles of mercantilism demanded that Britain shape trade and tax policy in the colonies, the colonists were granted substantial authority to govern their affairs in other areas. Most of the colonies were ruled by a governor, a council, and a legislature. Colonists with the right to vote (limited mainly to white men with property) elected representatives to the legislature. The governor, who was appointed by the monarch, could veto the decisions of the legislature. Each colony also had a high court.

While the governors, chief judges, and customs


"Poor old England endeavouring to reclaim his wicked American Children"
THE ATLANTIC OCEAN

From *The Cartoon History of the American Revolution* officials in the colonies were accountable to Britain, they usually depended on the colonial legislatures for their salaries. The hold of the colonists over the "power of the purse" gave them an effective tool for influencing Britain's representatives. The Board of Trade, the body within the British government responsible for overseeing the colonies, complained that the colonists were overstepping their authority.

> *Thus, although the government of this province [Massachusetts] be nominally in the Crown and the governor appointed by your majesty, yet the unequal balance of their constitution having lodged too great a power in the assembly, this province is likely to continue in great disorder. They [the colonists] do not pay a due regard to your Majesty's instructions; they do not make a suitable provision for the maintenance of their governor and on all occasions they affect too great an independence on their mother Kingdom.*
>
> *—Report of the Board of Trade*
> *to King George II, 1721*

In the interests of avoiding conflict, the British government, much like a permissive parent, often looked the other way when the colonists challenged the mother country. Edmund Burke, a leading member of the British Parliament who sympathized with colonial concerns, described the policy as "salutary [beneficial] neglect."

As the colonies developed, protests against the inequalities of British rule grew louder. As English subjects, the colonists enjoyed the same rights as other English subjects. However, they did not have a voice in the Parliament. Ultimately, it was the Parliament, not the colonial legislatures, that established policy on trade, taxation, and other issues that most deeply affected the economic lives of the colonists.

THE RIGHTS OF ENGLISHMEN

By the 1700s, Britain was undergoing the early stages of a democratic transformation of its own. (In 1707, the parliament of Great Britain, or Britain, came to govern England, Wales, and Scotland.) The roots of British — as well as American — democracy extend well back into the Middle Ages. As early as 1215, English nobles forced King John to accept limits to his powers in the *Magna Carta* (Great Charter).

From the *Magna Carta*, the rights of the king's subjects gradually expanded. The relationship between the state and the people, however, was never written down in a single document, such as the U.S. Constitution. Instead, the constitution that governed England evolved over centuries and was shaped by custom, acts of Parliament, judicial decisions, and concessions by the king or queen.

In the 1600s, the development of the constitution clashed with royal authority. With the death of Queen Elizabeth in 1603, James I, the first of four kings from the Stuart clan, came to the throne. The Stuarts embraced the "divine right" of kings — the belief that they were responsible only to God for their actions as monarchs. The Stuarts resented sharing power with Parliament, which had increasingly gained influence under the constitutional system.

The position of the Stuarts met especially sharp resistance in the lower house of Parliament, known as the House of Commons. The lower house represented commoners — English men who were neither nobles nor clergy. Twice during the 17th century, the Commons led revolts against the Stuarts. In 1649, the rebels executed King Charles I, and for the next eleven years England remained without a monarch. In 1688, King James II was forced to abandon his throne, paving the way for another branch of the royal family to wear the English crown.

The overthrow of James II had particular political significance. The "Glorious Revolution of 1688," as the revolt was called, encouraged a new generation of philosophers to reassess the purpose of government. One of the most eloquent was John Locke.

Locke's "social contract"

Locke rejected the divine right philosophy of the Stuart kings. In contrast, Locke argued that society should be governed by a contract which defined the rights and obligations of both the ruler and the people. He held that the authority of the government derived from the approval of the people.

8

In Locke's view, government was not legitimate without "the consent of society, over whom no body can have a power to make laws but by their own consent." For Locke, this meant that the government should not raise taxes or lay claim to property without the agreement of those affected. Perhaps most radically, Locke concluded that the people had the right to revolt against a ruler who broke the contract between the government and the governed.

> *To understand political power right we must consider what state all men are naturally in and that is a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, a state also of equality....The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind that all being equal and independent no one ought to harm another in his life, health, liberty, or possessions....Though in the state of nature he hath such a right, yet the enjoyment of it is very uncertain, very unsafe, very unsecure. This makes him willing to join a society with others for the mutual preservation of their lives, liberty and estates. [This is] the great and chief end of men's uniting into common-wealths and putting themselves under government.*
>
> *—John Locke*

Many of Locke's ideas found their way into the constitutional system that emerged in Britain after 1688. For the first time, Parliament held the lion's share of power in the new arrangement. While the top government officials, or ministers, who carried out policy were appointed by the king or queen, they were members of Parliament and depended on the support of their fellow legislators to maintain authority.

Members of Parliament who sought to increase the legislature's influence at the expense of the monarch were called "Whigs." Those who took the side of the monarch in the power struggle were known as "Tories."

The rise of Parliament eventually heightened the tension between Britain and the colonies. Each of the colonies had been originally chartered by the monarchy, not by the Parliament. Moreover, royal officials in America were responsible directly to the crown. Questions about the legitimacy of Parliament's authority in the colonies increasingly cast doubt on Britain's role in America.

Another critical question revolved around the limits of self-government in the colonies. By 1750, each of the colonies had extensive control over local affairs. Nonetheless, key areas of decision-making remained in the hands of Parliament. As Locke had done, colonists in the mid-1700s began to ask if they were obligated to obey laws passed without their consent.

WARS OF EMPIRE

During much of the 17th century, The American colonists were frequently called on to defend the interests of the British empire, especially as France strengthened•its claims in the New World. Queen Anne's War (1702-13) included fighting between English settlers west of the Appalachian Mountains and French forces, who were joined by their Indian allies.

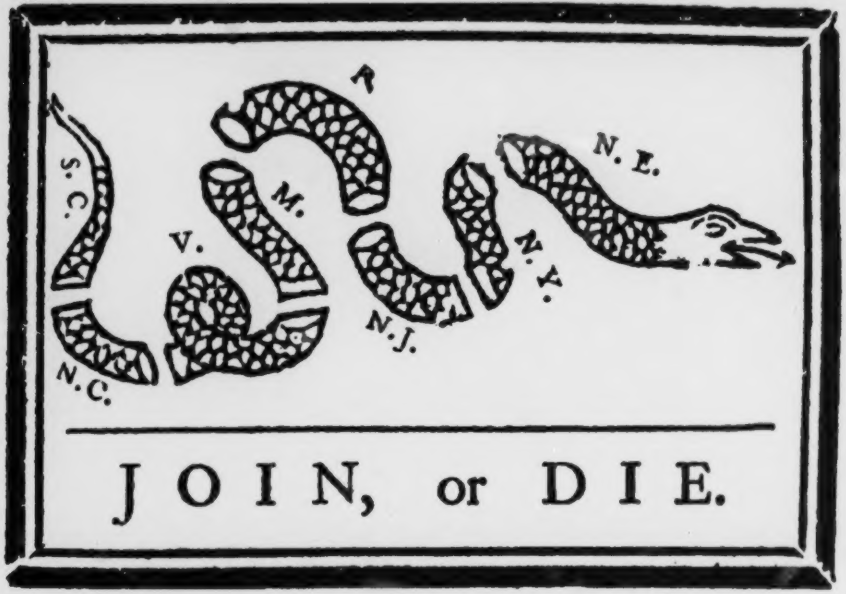
By the time King George's War (1744-48) began, the colonists had come to believe that France's presence in North America was the chief obstacle to their safety, expansion, and economic development. Colonial militia forces achieved one of the most decisive victories of the conflict, capturing the French fortress on Cape Breton Island, which guarded the approaches to France's holdings in North America. During peace negotiations, however, Britain returned the fortress to France, leaving the colonists bitterly disappointed.

The settlement that ended King George's War was in fact typical of the period. Most of the wars among Britain and its European rivals were limited conflicts. The high cost of maintaining a professional army and navy stretched the economic resources of even the most powerful nations. In the global chess match involving the European powers, colonial possessions were often swapped like pawns.

The French and Indian War

The next Anglo-French war marked a break with the past. Not only was the war much more destructive

Courtesy of the Library of Congress



A wood engraving in the *Pennsylvania Gazette* (published by Benjamin Franklin), 1754.

than earlier confrontations, but American colonists were actually responsible for starting it. The fighting began when a group of Virginia land speculators received a grant of 200,000 acres in the Ohio River Valley. Because the land was also claimed by the French, a small colonial force under the command of Major George Washington was sent in 1754 to capture a French fort in western Pennsylvania. The colonists were easily defeated by the French. The Virginia legislature responded by requesting help from Britain. London answered by ordering General Edward Braddock, the new commander-in-chief of British forces in North America, and 1,500 regular British troops to counter the French. In 1755, however, Braddock was killed in an ambush by French forces and their Indian allies.

As the events west of the Appalachians were unfolding, representatives from seven colonial legislatures met in Albany, New York, in 1754 to coordinate their defenses. Benjamin Franklin, a delegate from Pennsylvania, proposed that the colonies form a "grand council," whose members would be appointed by the colonial legislatures. Franklin's "Albany Plan of Union," as it was called, was rejected by legislators fearing the loss of local control. The British government also opposed the plan, seeing it as a threat to London's rule over the colonies.

The outbreak of fighting between Britain and France, however, changed attitudes on both sides of the Atlantic. By 1756, what was known in the colonies as the French and Indian War had spread to Europe. (In Britain, the conflict was known as the Seven Years' War.) After a string of setbacks, the British rallied under the leadership of a new prime minister, William Pitt. With help from the colonists, British forces overran France's key fortresses in Canada. They also captured French islands in the Caribbean.

With the French in retreat, an intense debate erupted in the British press about what demands should be placed on the French. Britain had no intention of destroying France. Rather, the goal of British policy was to maintain a stable balance of power on the European mainland. The question at hand focused on which prizes of war Britain should claim.

On one side were those who wanted to hold onto the Caribbean islands of Guadeloupe and Martinique, where the French had set up plantations to grow sugar, cotton, and indigo. They favored returning captured territory in Canada to France, arguing that driving the French out of Canada would reduce the need for Britain's protection of the American colonies. According to their line of reasoning, the colonists would begin thinking about establishing their independence from Britain once the French threat was eliminated. On the other side, were those who contended that Canada was more important to British interests than the Caribbean islands. Their position was supported by the colonists.

In the Treaty of Paris of 1763, the British forced the French to concede Canada while allowing them to retain Guadeloupe and Martinique. The consequences for the British empire were to be disastrous.

Part II: The Widening Split — 1763-75

In few other periods of American history does the pace of events compare to the years immediately after the French and Indian War. Within a decade, relationships that had been built up over 170 years between the colonies and the mother country were ruptured. The "salutary neglect" of an earlier era was forgotten. Minor disagreements often escalated into bitter, even violent, confrontations. Towns and villages throughout the colonies were thrown into turmoil, frequently pitting neighbor against neighbor and brother against brother.

THE PRICE OF EMPIRE

Much of the turmoil that followed the French and Indian War was directly related to the outcome of the conflict. Even in victory, Britain was left with war debts of more than 140 million pounds. The financial burden on Britain was considerable. The mother country looked toward the colonies to help pay the costs of maintaining the British empire. To British officials, their expectations seemed reasonable. After all, the French and Indian War had been sparked by the colonists and its results had greatly benefited them.

The colonies in fact were in a good position to lend support to the empire. Within a few years, colonial legislatures succeeded in collecting sufficient taxes to pay their own much smaller war debts. Furthermore, the colonists in general paid much less in taxes than their counterparts in Britain.

The defeat of the French also opened the door to the westward expansion of the colonists. The movement west brought them into conflict with the Indians of the Great Lakes region. In 1763, Indian forces under the leadership of Chief Pontiac overran seven British forts before being pushed back.

The quickening pace of colonial expansion alarmed London. British officials worried that colonial ties to the mother country would weaken as colonists settled further inland. To slow the westward expansion and avoid further trouble with the Indians, Britain issued the Proclamation of 1763. The decree forbade colonists from settling west of the Appalachians. The colonists objected to the restrictions drawn up by London and for the most part ignored them.

Meanwhile, the British increased the number of troops stationed along the frontier to 7,500. To pay for the soldiers, which cost about 320,000 pounds a year, the British imposed the Sugar Act in the colonies in 1764 to collect taxes on imported molasses. They also put forth the Stamp Act to take effect in 1765.

The Sugar Act in fact lowered the official tax on imported molasses from six pence a gallon to three pence. What changed was the level of enforcement. Before 1764, taxes on molasses imported from the French sugar-growing islands of the Caribbean were rarely collected in the colonies. The colonists relied on molasses as their main sweetener and as the basis for rum, their favorite alcoholic beverage.

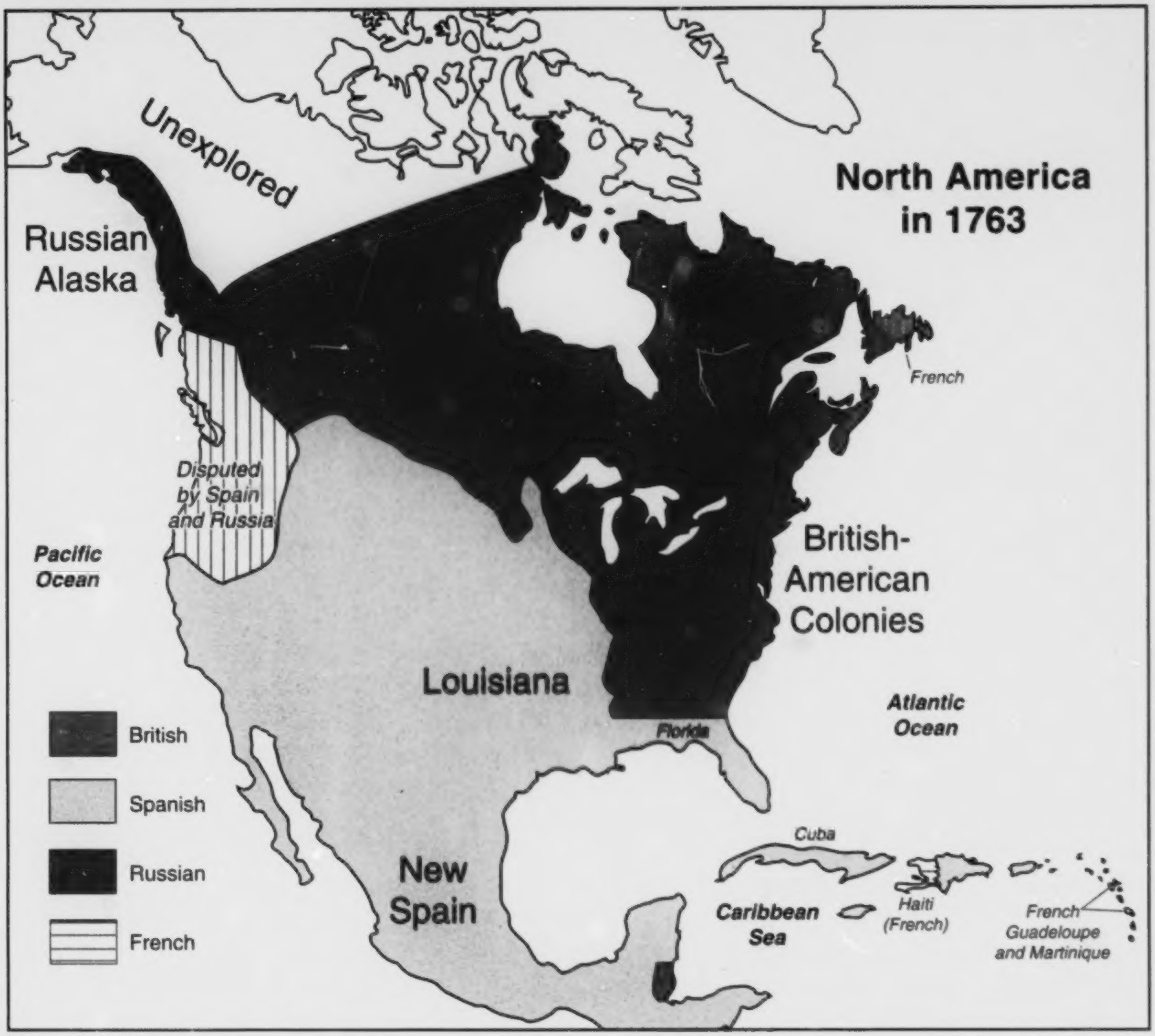
To stop the smuggling of molasses, the British navy was given more power to seize merchant vessels. Suspected smugglers were tried in British naval courts, rather than in local courts before a jury.

The Stamp Act required that all legal documents in the colonies bear a tax stamp that could be purchased only from official tax collectors. Bills of sale, wills, shipping invoices, even playing cards and newspapers, had to carry the tax stamp. Prime Minister George Grenville, the author of the Stamp Act, offered to repeal the new tax if another source of revenue could be found. "[I] am not set upon this tax," Grenville remarked. "If the Americans dislike it and prefer any other method of raising the money themselves...and if they choose any other mode I shall be satisfied, provided the money be raised."

Colonial protests

The revenue raised by both the Sugar Act and the Stamp Act was earmarked specifically to offset the cost of stationing British troops in North America. The announcement of the new taxes, however, immediately unleashed a hornet's nest of protest in the colonies.

Colonial legislatures and towns declared the taxes to be "unlawful," "unconstitutional," and "without precedent." The colonists were particularly upset


North America in 1763
Unexplored
Russian Alaska
Disputed by Spain and Russia
Pacific Ocean
French
British-American Colonies
Louisiana
Atlantic Ocean
Florida
Cuba
New Spain
Caribbean Sea
Haiti (French)
French Guadeloupe and Martinique
British
Spanish
Russian
French

that they had no voice in developing tax policy. They contended that the new taxes denied them their basic rights as English subjects by taking away their property against their will.

Opponents of British policy called themselves patriots. James Otis, John Dickinson, and other patriots argued that the new taxes violated the principles of the British constitution. They conceded that Parliament had the right to regulate trade in the empire through taxes on imports. However, the patriots held that Parliament had crossed a crucial line by imposing taxes designed specifically to raise revenue, since the colonists were not represented in the legislature.

> *For if our trade be taxed why not our lands and everything we possess and make use of? This we apprehend annihilates our charter Right to govern and tax ourselves. It strikes at our British privileges, which as we have never forfeited them we hold in common with our fellow subjects who are natives of Britain. If taxes are laid upon us in any shape without our having a legal representation where they are laid, are we not reduced from the character of free subjects to the miserable state of tributary slaves?*
>
> *—Resolution adopted in Boston, May 1764*

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When officials in London suggested that parliamentary representation for the colonies might be considered, patriot leaders made it clear that was not the solution they had in mind. The legislatures of Virginia and South Carolina went so far as to pass resolutions rejecting the idea of colonial representation in Parliament. In effect, patriot spokesmen were saying that the colonies could be taxed only by their own colonial legislatures.

Meanwhile, groups of patriots calling themselves the "Sons of Liberty" harassed local tax collectors. The first outbreak of violence took place in Boston in 1765, when a mob destroyed the home of Andrew Oliver, a wealthy colonist who had been appointed as a stamp tax agent. The patriots carried out their attack under the rallying cry "liberty, property, and no stamp." A local garrison of sixty British troops did not attempt to intervene. Two weeks later, another mob led by the Sons of Liberty looted the house of the Massachusetts lieutenant governor, whose family had lived in the colony for several generations. Again, no one was punished for the attack.

Most worrisome for London was a boycott of British goods organized by colonial merchants. The merchants vowed that they would not import British products for resale in the colonies until the Stamp Act was repealed. Because the 2 million colonists represented a substantial market, the boycott was sure to be felt by British manufacturers. The boycott also made financial sense for many merchants. Cutting off imports would allow them to sell their existing stocks of merchandise at higher prices as supplies dried up.

Pitt's compromise

The boycott brought quick results. British business leaders petitioned Parliament to repeal the Stamp Act, pointing out that colonial merchants not only refused to import British goods, but were unable to repay the nearly 5 million pounds they owed British suppliers. Whig leaders in Parliament, led by William Pitt, joined in the criticism of their country's tax measures toward the colonies.

Pitt genuinely sympathized with the complaints of the colonists. He shared their opposition to imposing taxes on citizens who had no voice in Parliament.

Pitt also feared that the new taxes would undermine trade (amounting to more than 2 million pounds a year) between the colonies and the mother country. His main interest was in strengthening Britain's hold over its restless colonies in America, even as he pressed for the repeal of the Stamp Act.

> *I stand up for this kingdom. I maintain, that the Parliament has a right to bind, to restrain America....When two countries are connected together, like England and her colonies, the one must necessarily govern, the greater must rule the less; but so rule it as not to contradict the fundamental principles that are common to both.*
>
> *—William Pitt*

As Pitt recommended, the Stamp Act and the Sugar Act were repealed in 1766. British legislators then passed the Declaratory Act, stating that Parliament had full authority to make laws binding on the colonies "in all cases whatsoever."

The end of the confrontation was celebrated on both sides of the Atlantic. Pitt won widespread praise. The inscription on a medal cast in his honor hailed him as, "The man who, having saved the parent, pleaded with success for her children."

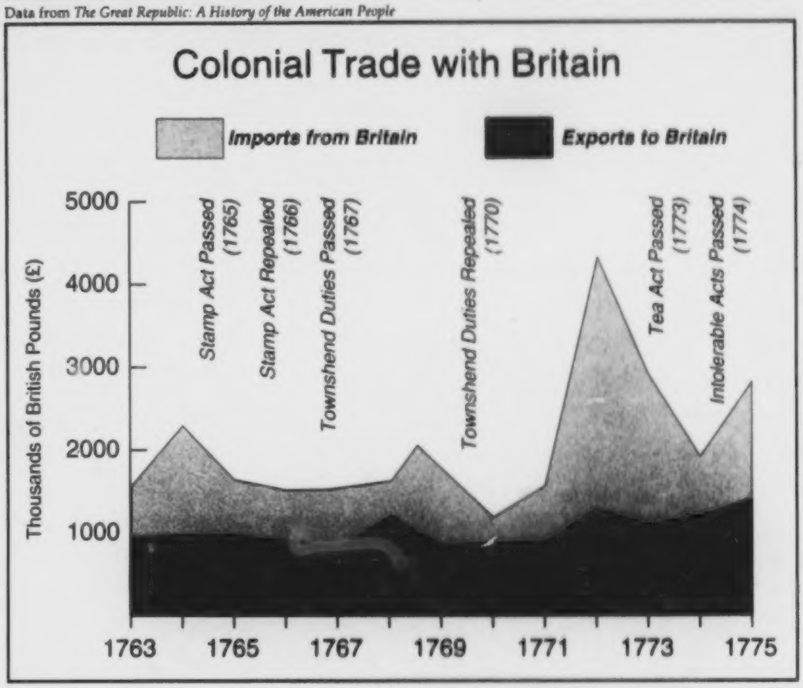
In reality, the central issues raised by the Stamp Act and the Sugar Act had not been resolved. The limits of colonial self-government remained unclear. So did the extent of the mother country's determination to curb the independent spirit of her colonial children.

TAXATION WITHOUT REPRESENTATION

In 1767, the British government, now led by Chancellor of the Exchequer Charles Townshend, tried once more to raise revenue from the colonies to help pay for the administration and protection of British North America. New taxes were placed on the import of glass, lead, paint, paper, and tea. The "Townshend Duties," as the taxes came to be known, were expected to cover about 10 percent of Britain's expenses in North America.

Unlike the Stamp Act, which affected thousands of colonists conducting everyday business, the

Data from *The Great Republic: A History of the American People*



Townshend Duties were to be collected from colonial merchants before their imports could be unloaded in American ports. Townshend hoped that crafting a narrowly focused tax on the colonial merchant class would enable him to avoid the controversy kicked up by the Stamp Act. He was wrong.

The Townshend Duties

News of the Townshend Duties triggered a new round of protests in the colonies. Merchants again staged boycotts of British goods. Pamphlets were circulated asserting that the new taxes denied the colonists their rights as English subjects and reduced them to the status of slaves. Patriot mobs enforced the boycott, burning the shops and merchandise of merchants who continued to trade with Britain. In Boston, the most unruly of the colonial capitals, customs officers were attacked. Patriots seized a British patrol boat in Boston Harbor, carried it to the city commons, and publicly burned it. To maintain order, the British ordered that four regiments be stationed in Boston.

The British pledged in 1769 to soon do away with the Townshend Duties, but Boston remained tense. In 1770, a street mob challenged British troops guarding Boston's customs house. The troops opened fire, leaving five colonists dead. Although patriots labeled the killings a "massacre," the British officer commanding the troops was found not guilty of a criminal offense by a colonial court.

Townshend's death in 1770 was soon followed by the formal repeal of the Townshend Duties. The colonial minister's replacement, Lord Frederick North, recognized that the costs of collecting new taxes in the colonies was often greater than the revenue raised. The British, however, were not willing to give up in principle their authority to pass laws governing the colonies. Therefore, a small tax on tea in the colonies was left to symbolize the power of the mother country.

Patriot leaders understood what was at stake. Colonial spokesmen, such Benjamin Franklin, declared that the colonies were independent of Parliament and owed their allegiance only to the monarch. Franklin conceded that the colonies in the past had accepted laws passed by Parliament, but in the future he advised the colonists to "never adopt or acknowledge an Act of Parliament but by a formal law of our own [legislatures]."

Boston patriot Samuel Adams held that the colonies had enjoyed the right of self-government from the beginning. He contended that the original settlers of Massachusetts had made a compact with the king in which they agreed "to become his voluntary subjects, not his slaves."

> *[When] did they [the colonists] enter into an express promise to be subject to the control of the parent state? What is there to show that they were in any way bound to obey the acts of the British Parliament....No body can have the power to make laws over a free people, but by their own consent.*
>
> *—Samuel Adams*

The Boston Tea Party

The Tea Act brought tensions in the colonies to a boiling point in 1773. The dispute had its roots in the financial troubles of the British East India Company, which produced tea in British colonial possessions in South Asia. To prevent the company from going bankrupt, Parliament granted it permission to sell tea directly to the colonies, thus bypassing the British and colonial merchants who acted as middlemen.

Direct sales would allow the East India Company to reduce their costs. Even after paying the small tax on imported tea, the company would be able to beat the prices of smuggled Dutch tea. (At the time, at least 75 percent of the tea consumed in the colonies and 60 percent of the tea in Britain was smuggled in from Dutch colonies.) British officials assumed that the new regulations would not meet resistance. They reasoned that colonial consumers would welcome the lower prices. By their calculations, the only losers in the new arrangement would be colonial traders who had smuggled Dutch tea.

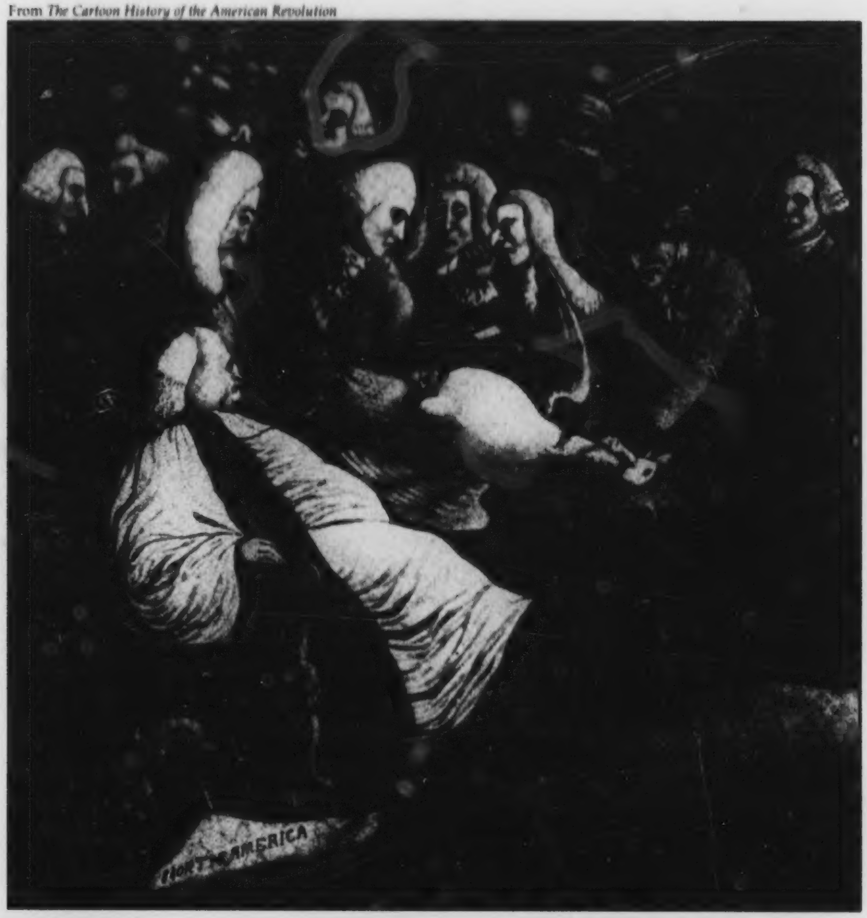
Patriots, however, saw the Tea Act as another means to force the colonists to pay a tax on tea. Even patriot merchants who had been willing to pay the duty when they were unable to buy smuggled Dutch tea, such as John Hancock, joined the protest.

The most dramatic blow against the Tea Act occurred in Boston in December 1773, when patriots dressed as Indians boarded three East India Company ships in Boston Harbor. As 2,000 onlookers cheered, the patriots dumped 342 chests of tea overboard.

The "Boston Tea Party" was followed by similar disturbances in other colonial port cities. Violence was directed against colonists who acted as sales agents for British tea. Particularly cruel was the practice of "tarring and feathering," in which the victim's body was coated with hot tar. Tarring and feathering usually resulted in severe scarring and could produce permanent crippling or even death.

The mob actions were a cause of deep concern for many of the patriot leaders. Most shared much in common with the officials who were being persecuted. They were well-educated and prosperous, with views and tastes that were similar to those of upper-class Whigs in Britain. The patriot leaders worried that the movement they had initiated would aggravate tensions between the wealthy and the craftsmen, dock workers, day laborers, and inden-

From *The Cartoon History of the American Revolution*



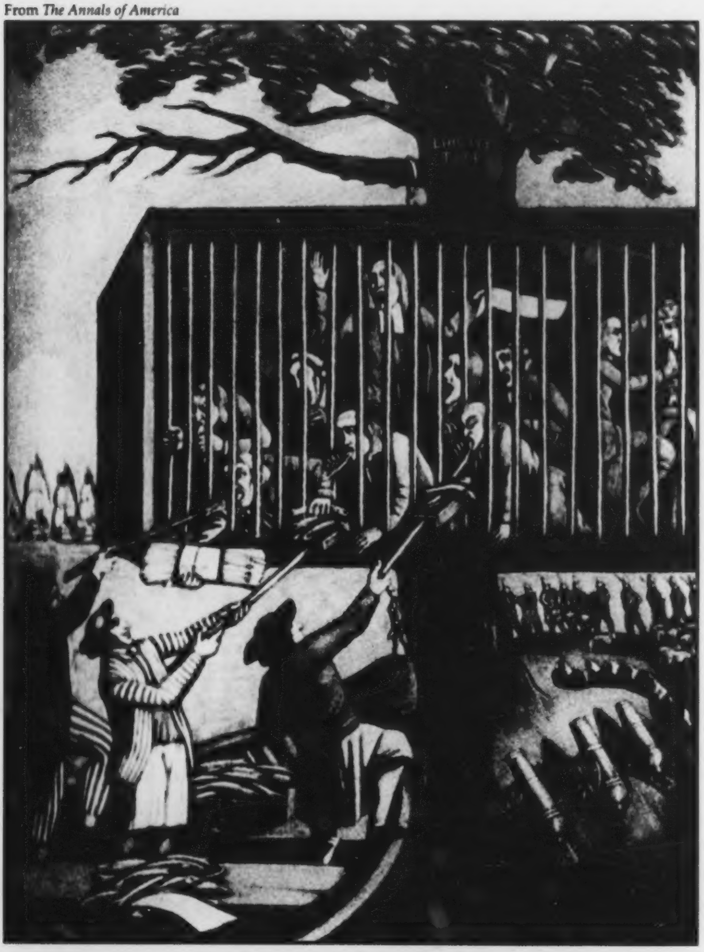
In "The Wise Men of Gotham and their Goose," a British cartoonist pokes fun at efforts by Parliament to squeeze more revenue out of the American colonies.

tured servants who made up the lower classes. John Adams, a cousin of the outspoken Samuel Adams, warned that the "lower orders" standing up to British rule might eventually turn against his own class.

The Intolerable Acts

The British government's response to the Boston Tea Party was swift and uncommonly firm. In May 1774, Parliament closed the port of Boston and suspended the charter of Massachusetts. Even former defenders of the American colonists in Parliament agreed that Boston's patriots had to be punished. General Thomas Gage, the commander of British forces in North America, assumed the position of royal governor in Massachusetts and enforced the economic sanctions.

From *The Annals of America*



Patriots are shown taunting British officials in Boston.

The patriots branded the new restrictions as the "Intolerable Acts." Rather than back down, they were encouraged by the groundswell of support from other colonies. Twenty years after Benjamin Franklin had first urged his fellow colonists to form a council, the colonies were indeed moving toward common action. In the summer of 1774, eleven colonial legislatures voted to send representatives to Philadelphia in September to discuss ways of aiding Massachusetts and presenting a united front in the face of British pressure.

Delegates to the First Continental Congress (which included every colony except Georgia) affirmed their loyalty to King George III while rejecting the authority of Parliament. They also set the stage for a collision with British power by voting to boycott trade with the mother country and by urging the colonies to form militias to resist the enforcement of the Intolerable Acts.

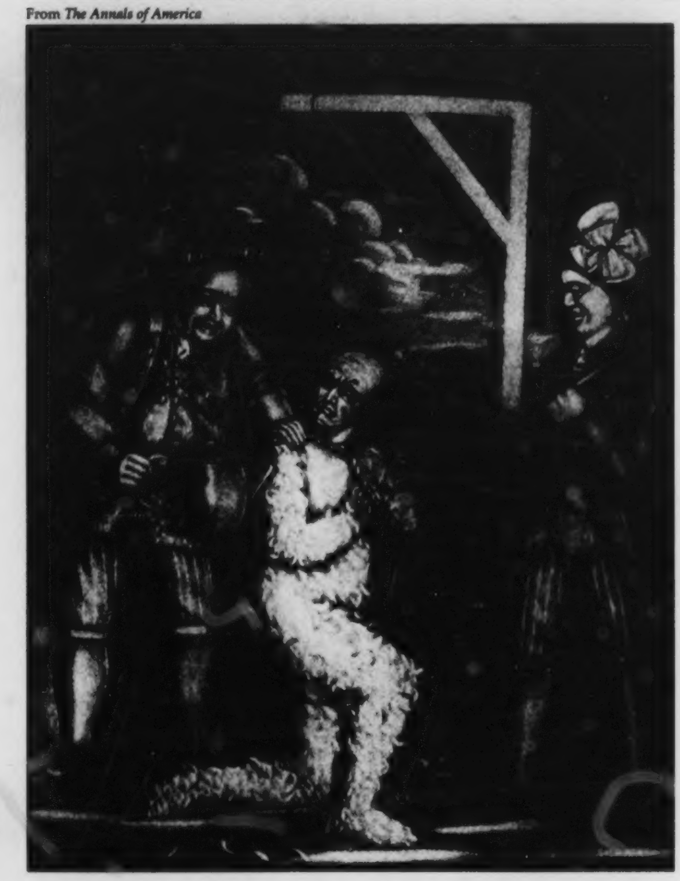
THE SHOT HEARD 'ROUND THE WORLD

General Gage tried to minimize friction between his troops and the Massachusetts colonists. Like his predecessor, Gage did not attempt to stop public meetings and demonstrations against the British occupation of Boston. He also did little to block the activities of the militia groups which drilled in small towns throughout New England. (The militias were in fact the outgrowth of British laws that required able-bodied men to own a musket and take part in local militia drills. The policy had been originally intended to defend the colonies against French and Indian attack.)

Gage, however, was concerned about reports that the patriots were stockpiling large quantities of weapons and gunpowder. On several occasions, he ordered his troops to locate and seize the stockpiles. Gage scheduled one mission for April 19, 1775, to take a patriot supply center in Concord, Massachusetts, twenty miles west of Boston.

At dawn, 700 British troops dispatched

From *The Annals of America*



Colonists tar and feather a customs house official for accepting a shipment of tea.

by Gage reached Lexington, five miles short of Concord. Members of local militias, known as "minutemen," had been forewarned of their arrival during the night and seventy of them had assembled on the village green. Shortly after the commanding British officer ordered the minutemen to disperse, a gun went off. No one knew who discharged the first shot, but the British troops responded by opening fire on the militia. Within minutes, eight minutemen lay dead or dying.

News of the bloodshed at Lexington was immediately relayed to Concord. Minutemen decided to counter the British advance at a wooden bridge crossing the Concord River. After coming under fire from the patriots, the British commander elected to return to Boston. The retreating British, however, faced hit-and-run attacks along the route from local minutemen. By the time the British reached the safety of Boston late that night, 73 from their ranks had been killed and more than 200 were wounded or missing. Of the militia troops, about 100 were killed or wounded.

The battles at Lexington and Concord represented a dramatic escalation in the struggle between the British government and colonists. Whether the clashes were an isolated incident, like the Boston massacre, or the beginning of a larger conflict remained to be seen. Even among the militia forces that had fought at Lexington and Concord, most were defending their rights as British citizens, not striving for independence.

February 1776 — Weighing Colonial Options

The spark of rebellion struck in Massachusetts on April 19, 1775, did not die out as many hoped. On the contrary, it spread throughout the New England colonies. In May, a joint force of Massachusetts militiamen under General Benedict Arnold and frontier settlers under Ethan Allen captured Fort Ticonderoga in upstate New York from the British. By mid-June, Boston was surrounded by nearly 10,000 minutemen. General Gage, the British commander, remained in control of Boston Harbor but lacked the forces to break through the land blockade.

When the colonial militia commanders decided to fortify two small hills overlooking the harbor, the first real battle of the rebellion resulted. On June 17, Gage ordered a naval bombardment and an infantry assault against the colonial positions. While the British succeeded in dislodging the patriots, the Battle of Bunker Hill added to their concern. In a single day, more than 1,000 British troops were killed or wounded. Moreover, the colonists demonstrated their resolve and courage. The rebellion in the New England colonies seemed to be sliding toward full-scale war.

The colonists appreciated the gravity of the situation as well. In May 1775, they convened the Second Continental Congress and called on George Washington to take charge of the colonial forces. Although Washington missed the Battle of Bunker Hill, he gradually transformed the rag-tag collection of patriot militias in New England into an effective army.

A military stalemate developed around Boston. Without artillery, Washington could not force the British out of the city. For his part, Gage needed reinforcements to lift the siege of his forces. The only serious fighting that took place in the second half of 1775 was a failed colonial effort to seize British bases in Canada. Although the colonists captured Montreal, their surprise attack on Quebec in December 1775 was repulsed.

On the political front, positions on both sides of the Atlantic were hardening. King George III proclaimed the colonies in a state of rebellion in August 1775. The Continental Congress responded by reaffirming its loyalty to the king but rejecting the authority of the Parliament. In the public squares and popular newspapers, colonists were debating the consequences and objectives of the rebellion that had broken out in Massachusetts.

The lull in the fighting brought on by the winter of 1775-76 gave the colonists an opportunity to take stock of their future. They faced fundamental issues involving war and peace, and their relationship with the mother country. While a huge range of opinions existed, four principal options had emerged by February 1776.

OPTIONS IN BRIEF

OPTION 1 — RESTORE THE TIES OF LOYALTY

Damn those rabble-rousing radicals in Boston and Philadelphia! The actions of these mad, power-hungry fools are threatening to sever the ties that bind us to our beloved mother country and our gracious king. To take up arms against Britain is both treasonous and suicidal. How short are the memories of these rebels! They have forgotten that we are here thanks to the crown and the Parliament. Consider how we have prospered within the British empire. Now, reflect for a moment on what awaits us if, God forbid, the radicals are successful in severing our ties of blood and tradition with Britain. In such circumstances, the thirteen colonies would immediately begin to squabble among themselves, much like selfish children deprived of parental guidance. Instead of the imagined tyranny of the king, we would suffer the real tyranny of the democratic mob.

OPTION 2 — CREATE A MORE PERFECT UNION

Cooler heads must prevail! Certainly, there are legitimate grievances on both sides. But there is nothing that cannot be resolved if we are willing to sit down with one another and settle our differences in a spirit of brotherly compromise. We should be building bridges to our allies in London, not tearing them down through acts of rebellion. Let us find common ground on which to build a peaceful future. The foundation of the British constitution rests on the principle that no man may be taxed or deprived of his property without representation. To restore harmony between the colonies and the mother country, a British-American council should be formed with representatives from each of the thirteen colonies. Let us focus on what unites us as Englishmen.

OPTION 3 — DEFEND OUR RIGHTS AS ENGLISHMEN

It is with great reluctance that we have taken up arms to protect our homes and villages. As the minutemen of Lexington, Concord, and Bunker Hill have shown, we will not put down our weapons until our rights have been restored. King George has been misled by his ministers. In following their misguided advice, he has approved measures that deprive us of liberty and prosperity. He should know that we are not rebelling against his legal authority. On the contrary, we are defending ourselves against flagrant violations of the British constitution. We hold that Parliament does not have the right to legislate over us without our consent. By taking up arms to resist tyranny, we are acting in the best English tradition. All we ask is for a return to the harmonious relationship we enjoyed with the mother country before the tragic events of the past ten years.

OPTION 4 — FIGHT FOR INDEPENDENCE

Damn the king and damn Parliament! The ties that once bound us to the mother country have been broken by British force. Now we must stand up for ourselves. Britain has not protected our interests, but its own. Trade regulations were not intended to benefit the colonies, but to enrich Britain. There is no longer good reason to remain tied to Britain. Our population is growing rapidly and in fifty years will surpass that of Britain. Our land is fertile and without limits, and our God-given resources dwarf those of the British Isles. Independence will permit us to develop along the path we have set for ourselves. A glorious future awaits us. In this New World, we can build a new nation founded on freedom, liberty, and economic opportunity. We can break the chains that link us to the corruption and strife of Europe. There is no turning back. We must strike out for freedom.

Option 1

RESTORE THE TIES OF LOYALTY

Damn those rabble-rousing radicals in Boston and Philadelphia!

The actions of these mad, power-hungry fools are threatening to sever the ties that bind us to our beloved mother country and our gracious king. We are at risk of losing the protection of the British constitution — the most noble effort yet produced by the minds of men to govern human affairs. To take up arms against Britain is both treasonous and suicidal.

How short are the memories of these rebels! They have forgotten that we are here thanks to the crown and the Parliament. The Britain they now despise founded our colonies, nurtured our development, and protected us from our enemies. Just a few years ago, they were praising King George and Prime Minister Pitt for Britain's glorious victories over the French and their cruel Indian allies — a triumph that opened up the entire continent to our use. At great costs, the British military has guarded our shipping and defended our frontier settlements. The meager taxes that we have been asked to pay are a small price for the benefits we receive.

The radicals have distorted history to make their case. The claim that Parliament has no legitimate authority over us ignores the Glorious Revolution of 1688. Since the final defeat of the Stuart kings, Parliament has been given greater responsibility for guaranteeing the rights of Englishmen everywhere. To argue that we can be loyal to the king and at the same time deny the authority of Parliament is to spurn the victory of 1688.

Consider how we have prospered within the British empire. Our population is now 2 million and doubling every twenty-five years. Our merchant ships carry cargoes to the West Indies, Europe, and Africa. Our fishermen cast their nets in Canadian waters and sell their catch locally and abroad. For more than a century and a half, our legislatures have enjoyed the right of self-government. Compared to our brothers in Britain, we pay much less in taxes. Indeed, they and the rest of the world envy our happiness and well-being.

Of course, all that we have gained would be ruined by war. Our towns will be occupied, our merchants driven into bankruptcy, and our ships sunk. With markets abroad closed, the bounty produced by our farmers and fishermen will be left to rot. Brother will be turned against brother, and neighbor against neighbor. Fire and sword will reach the smallest village. Are we willing to bring all this upon our heads rather than sit down with British officials and settle our differences?

Reflect for a moment on what awaits us if, God forbid, the radicals are successful in severing our ties of blood and tradition with Britain. In such circumstances, the thirteen colonies would immediately begin to squabble among themselves, much like selfish children deprived of parental guidance. How would the disputes over the western land claims be settled? Who would sort out disagreements over trade, or the usage of harbors and rivers? Even worse, the rabble and lower classes that have become the tools of the Boston radicals would soon turn on their betters. Do you want Sam Adams and his mob to govern you? Instead of the imagined tyranny of the king, we would suffer the real tyranny of the democratic mob. Whose property will be safe then?

Finally, we owe loyalty and obedience to the king and Parliament because the Almighty has established our precious constitution. King George is the head of our church, and he rules by the grace of God. We must honor the words of Saint Paul to respect legitimate authority. Our lives, our liberties as Englishmen, and our prosperity depend on our obedience to God and our allegiance to our king and Parliament.

20

FROM THE RECORD

Pamphlet by Soame Jenyns, member of Parliament, 1765:

"The liberty of an Englishman cannot mean an exemption from taxes imposed by the authority of Parliament. Nor is there any charter that ever pretended to grant such a privilege to any colony in America; and [even] if they had granted it, it could have had no force since their charters are derived from the crown and no charter from the king can possibly supercede the right of the whole Parliament....If Parliament can impose no taxes but what are equitable, and if the persons taxed are to be the judges of that equity, they will in effect have no power to lay any tax at all."

Message delivered to Parliament by Prime Minister George Grenville, January 14, 1766:

"Protection and obedience are reciprocal. Great Britain protects America, America is bound to yield obedience....When they want the protection of this kingdom, they are always very ready to ask it. This nation has run itself into an immense debt to give them this protection; and now they are called upon to contribute a small share towards the public expense."

Pamphlet written by Thomas Whately, secretary to the prime minister, 1765:

"The right of the Parliament of Great Britain to impose taxes of every kind on the colonies has always been admitted....The inhabitants of the Colonies do not indeed choose the members of that Assembly [Parliament]; neither do nine-tenths of the people of Britain....The Colonies are in exactly the same situation: All British subjects are really in the same [situation]; none are actually represented, all are virtually represented in Parliament; for every member of Parliament sits in the House, not as a Representative of his own constituents, but as one of that august body by which all the commons of Great Britain are represented."

Sermon by Jonathan Boucher, Anglican minister in Virginia, 1775:

"Obedience to government is every man's duty, because it is every man's interest; but it is particularly incumbent on Christians, because (in addition to its moral fitness) it is enjoined by the positive command of God; and therefore, when Christians are disobedient to human ordinances, they are also disobedient to God. If the form of government under which the good providence of God has been pleased to place us be mild and free, it is our duty to enjoy it with gratitude."

Pamphlet published by Quakers in Philadelphia, January 20, 1776:

"We are so fully assured that these principles [nonviolence and Christian reconciliation] are the most certain and effectual means of preventing the extreme misery and desolations of wars and bloodshed....The benefits, advantages, and favour we have experienced by our dependence on, and connection with the [British] kings and government, under which we have enjoyed this happy state, appear to demand from us the greatest circumspection, care and constant endeavors, to guard against every attempt to alter, or subvert, that dependence and connection."

Letter from Gouveneur Morris, New York lawyer, May 20, 1774:

"Yesterday...I beheld my fellow citizens very accurately counting all their chickens, not only before any of them were hatched but before one-half of the eggs were laid. In short, they fairly contended [argued] about the future forms of our government, whether it should be founded upon aristocratic or democratic principles....The mob begin to think and reason. Poor reptiles!...They bask in the sunshine and were noon they will bite....I see it with fear and trembling, that if the present disputes with Great Britain continue, we shall be under the domination of a riotous mob."

Letters of a Westchester Farmer, *written by Samuel Seabury, 1774:*

"Can we think to threaten, and bully, and frighten the supreme government of the nation [Britain] into a compliance with our demands? Can we expect to force a submission to our peevish and petulant humours, by exciting clamours and riots in England?...A single campaign, should she [Britain] exert her force, would ruin us effectually....The fleets of Great Britain command respect throughout the globe. Her influence extends to every part of the earth....We have no trade but under the protection of Great Britain....Should our mad schemes take place, our sailors, ship-carpenters, carmen, sailmakers, riggers, miners, smelters, forge-men, and workers in bar iron etc. would be immediately out of employ; and we should have twenty mobs and riots in our own country."

Pamphlet by Daniel Leonard, Massachusetts lawyer, January 9, 1775:

"The security of the people from internal rapacity and violence, and from foreign invasion, is the end and design of government....The British constitution, consisting of King, Lords, and Commons is recognized, both by Englishmen and foreigners, to be the most perfect system that the wisdom of the ages has produced. The distribution of power are so just, and the proportions are so exact, as at once to support and control each other. An Englishman glories in being subject to, and protected by, such a government....If the colonies are not subject to the authority of Parliament, Great Britain and the colonies must be distinct states."

BELIEFS AND ASSUMPTIONS UNDERLYING OPTION 1

1. No society on earth enjoys greater liberty and prosperity than the American colonies. Much of our good fortune, especially with respect to trade, is due to our status within the British empire.
2. Accepting the authority of Parliament is a reasonable price to pay for Britain's protection of the colonies.
3. We are called upon by God to respect the legitimate authority of government.

SUPPORTING ARGUMENTS FOR OPTION 1

1. The colonies will be crushed militarily and ruined economically by a full-scale war of rebellion.
2. Breaking our ties with Britain will embolden the lower classes to challenge the authority of their betters.
3. Without the unifying force of British rule and the protection of the British navy, the colonies will squabble among themselves and present an inviting target for foreign powers.

Option 2

CREATE A MORE PERFECT UNION

Cooler heads must prevail! If this rebellion does not cease, our relationship with Britain, our mother country, will be forever broken. Certainly, there are legitimate grievances on both sides. But there is nothing that cannot be resolved if we are willing to sit down with one another and settle our differences in a spirit of brotherly compromise.

First, we must recognize that the colonies belong to Britain. Ninety percent of the free men here trace their origins to the British Isles. Relations with our mother country have been strained lately, but that does not mean that we should disavow our English blood and heritage. Parliament contains many members who have shared our concerns in the past. We should be building bridges to our allies in London, not tearing them down through acts of rebellion.

Second, we must shoulder our share of the blame for the current crisis. Colonial legislatures have occasionally behaved irresponsibly. During the French and Indian War, several legislatures contributed nothing to the war effort. When Parliament gave the colonies an opportunity to propose an alternative to the Stamp Tax, many of our legislative leaders refused to suggest another means to raise revenue. On the contrary, they responded with the outrageous claim that Parliament has no right to tax the colonies, and even argued that the colonies owe allegiance only to the king.

But enough pointing fingers. Let us instead find common ground on which to build a peaceful future. The foundation of the British constitution rests on the principle that no man may be taxed or deprived of his property without representation. In this matter, we in the colonies have been in the right. Gone is the day when the interests of the colonies could be determined in London or ignored altogether. We are now a thriving community of 2 million Englishmen, nearly one-third the population of Britain herself.

To restore harmony between the colonies and the mother country, a British-American council should be formed with representatives from each of the thirteen colonies. Under such an arrangement, each colony would retain existing powers to regulate its internal affairs, while the council would have the authority to pass laws and impose taxes for the colonies as a whole. To take effect, the decisions of the council would need the approval of Parliament. Finally, the king should appoint a president in the colonies who would be responsible for enforcing the rule of law.

The establishment of a colonial council would address the complaint that we in the colonies are being taxed by a body in which we are not represented. Moreover, it would renew our union with the mother country and allow us to again pledge our allegiance to the king with enthusiasm and pride.

If we reject compromise, consider where the road of rebellion will lead. Our ports would be blockaded and our trade with the British empire would come to a halt. Without the mother country to act as a mediator, the disputes among the colonies would break out into open hostilities, and we would be plunged into civil war.

May God protect us from the reckless lunacy of Sam Adams, Patrick Henry, and their rabble followers, and from the pig-headed stubbornness of Lord North and his ministry. Compromise is the only solution for settling differences among brothers. We must put down our guns and immediately open negotiations with our friends in Parliament. Let us focus on what unites us as Englishmen.

FROM THE RECORD

"The Albany Plan of Union," authored by Pennsylvania delegate Benjamin Franklin, 1754:

"It is proposed that humble application be made for an act of Parliament of Great Britain by virtue of which one general government may be formed in America, including all the said colonies, within and under which each colony may retain its present constitution....That the said general government be administered by a president general, to be appointed and supported by the Crown; and a grand council, to be chosen by the representatives of the people of the several colonies met in their respective assemblies...

"That the assent of the president general be requisite to all acts of the Grand Council, and that it be his office and duty to cause them to be carried into execution....That they raise and pay soldiers and build forts for the defense of any of the colonies and equip vessels of force to guard the coasts and protect the trade on the oceans, lakes or great rivers....That for these purposes they have power to make laws and lay and levy such general duties, imposts, or taxes as to them shall appear most equal....Yet no money [is] to be issued but by joint orders of the president general and Grand Council.

"That the laws made by them for the purposes aforesaid shall not be repugnant but agreeable to the laws of England and shall be transmitted to the King in Council for approbation [approval] as soon as may be after their passing."

Speech by Joseph Galloway, speaker of the Pennsylvania Assembly, to the First Continental Congress, September 1774:

"There is no statute which has been passed to tax or bind the colonies since the year 1763 which was not founded on precedents and statues of a similar nature before that period....[The proposal to boycott British imports] is undutiful and illegal: it is an insult on the supreme authority of the State; it cannot fail to draw on the Colonies the united resentment of the Mother Country. If we will not trade with Great Britain, she will not suffer us to trade at all. Our ports will be blocked up by British men of war, and troops will be sent to reduce us to reason and obedience. A total and sudden stagnation of commerce is what no country can bear.

"[During the French and Indian War] it was not unreasonable to expect that Parliament would have levied a tax on the colonies proportionate to their wealth, and the sums raised in Great Britain. Her ancient right, so often exercised, and never controverted, enabled her, and the occasion invited her, to do it. And yet, not knowing their wealth, a generous tenderness arising from the fear of doing them injustice induced Parliament to forbear [reject] this....You all know there were Colonies which at some times granted liberal aids, and at others nothing; other Colonies gave nothing during the war.

"Instead of proposing some remedy [to the Stamp Act] by which that authority should be rendered more equitable and more constitutional over the colonies, the Colonial petitions rested in a declaration that the Colonies could not be represented in that body [Parliament]. This was thought and called by the ablest men and Britain a clear and explicit declaration of the American Independence and compelled the Parliament to pass the Declaratory Act in order to save its ancient and incontrovertible right of supremacy over all parts of the empire.

"The discovery of the Colonies was made under a commission granted by the supreme authority of the British State. They have been settled under that authority and therefore are truly the property of that State. The Colonists have ever sworn allegiance to the British State, and have been considered both by the State and by themselves as subjects of the British Government. Protection and allegiance are reciprocal duties. The Colonies cannot claim the protection of Britain upon any principle of reason or law while they deny its supreme authority.

"In regard to the political state of the Colonies, you must know that they are so many inferior societies, disunited and unconnected in polity. While they deny the authority of Parliament, they are in respect to each other in a perfect state of nature [lawlessness]....The seeds of discord are plentifully sowed in the constitution of the Colonies; that they are already grown to maturity, and have more than once broke out into open hostilities [among themselves.] They are at this moment only suppressed by the authority of the Parent State; and should that authority be weakened or annulled, many subjects of unsettled disputes can only be settled by an appeal to the sword which must involve us in all the horrors of civil war.

"Representation or a participation in the supreme councils of the State is the great principle upon which the freedom of the British Government is established....[It is not particular taxes] but it is the lack of constitutional principle in the authority that passed it which is the ground for complaint. This and only this is the source of American grievances....If this defect were removed a foundation would be laid for the relief of every American complaint...

"We propose a British and American legislature for regulating the administration of the general affairs of America be established, including all the colonies; within and under which each colony shall retain its present constitution and powers of regulating and governing its own internal [affairs]. That the said government be administered by a president general to be appointed by the King and a Grand Council to be chosen by the representatives of the people of the several colonies in their respective assemblies....That the president general shall hold his office during the pleasure of the King and his assent shall be requisite to all acts of the Grand Council, and it shall be his office and duty to cause them to be carried into execution.

"That the president general by and with the advice and consent of the Grand Council hold and exercise all the legislative rights, powers, and authorities necessary for regulating and administrating all the affairs of the colonies in which Great Britain and the colonies, or any of them, the colonies in general, or more than one colony are in any manner concerned, as well civil and criminal as commercial....The said president general and the Grand Council be an inferior and distinct branch of the British legislature....Regulations may originate and be formed and digested either in the Parliament of Great Britain or in the said Grand Council and being prepared, transmitted to the other for their approbation [approval] or dissent; and that the assent of both shall be necessary to the validity of all such general acts and statues."

BELIEFS AND ASSUMPTIONS UNDERLYING OPTION 2

1. The legitimacy of Britain's authority over the colonies is grounded in the mother country's discovery, settlement, and continuous protection of America.
2. The colonies should be required to contribute their fair share to the defense of the British empire in North America.
3. Under the British constitutional system, the citizens of the colonies should have a voice in making the laws that govern them, especially in the area of taxation.

SUPPORTING ARGUMENTS FOR OPTION 2

1. Establishing a joint British-American council — on equal footing with Parliament — to govern the colonies will protect both the rights of the colonists and the legitimate authority of Britain.
2. Resistance to British rule will bring economic disaster to the colonies.
3. Without British authority over them, the individual colonies will turn against one another and plunge into civil war.

Option 3

DEFEND OUR RIGHTS AS ENGLISHMEN

As Englishmen, we will give our lives to defend the rights that make us free men. We hold sacred the principles of the British constitution and consider ourselves loyal subjects of King George. We are not among the handful of radicals who wish to separate the colonies from our mother country and from our fellow Englishmen. Thus, it is with great reluctance that we have taken up arms to protect our homes and villages. As the minutemen of Lexington, Concord, and Bunker Hill have shown, we will not put down our weapons until our rights have been restored.

Ever since our colonies were founded, we have enjoyed the same rights and privileges as our fellow Englishmen in the mother country. Our colonial charters were granted by the crown, and it is to the crown that we remain morally and legally obligated. For the past century, the crown has recognized the wisdom of allowing the colonies a large measure of self-government. The responsible citizens in each colony have elected legislatures that have passed the laws and taxes necessary for the well-being of their fellow colonists. Even the royal governors have realized that imposing on us laws and taxes passed by Parliament has brought undue hardship to the colonies.

King George has been misled by his ministers. In following their misguided advice, he has approved measures that deprive us of liberty and prosperity. We do believe, however, that in time his majesty will realize the errors of his government. He should know that we are not rebelling against his legal authority. On the contrary, we are defending ourselves against flagrant violations of the British constitution.

The principles for which we stand are the cornerstone of the constitution. We hold that Parliament does not have the right to legislate over us without our consent. Until the conclusion of the French and Indian War, we were willing to accept the right of Parliament to regulate the trade of the British empire. In recent years, however, Parliament has lost our trust. Ruinous taxes, unreasonable trade restrictions, unconstitutional searches and trials, and the decision to take away the right of self-government from the Massachusetts colony reveal a pattern of tyranny. We will not allow ourselves to be reduced to the status of slaves.

By taking up arms to resist tyranny, we are acting in the best English tradition. No less than John Locke asserted that citizens have the right to rise up when the government ceases to protect and promote their God-given rights of life, liberty, and property. Our Whig friends in Parliament sympathize with our grievances. They admire our devotion to the cause of liberty. We must avoid antagonizing them by actions that go beyond asserting our rights and protecting our homes.

Those who demand complete separation from the mother country have not considered the consequences of their actions. While we have shown our bravery on the battlefield, do they imagine that we can defeat the British army and navy in a long war? Do they expect the most powerful country on earth to turn over meekly the colonies it founded? No other nation would dare help us in such a struggle. We would be alone in uncharted waters.

We must not deviate from principle or lose our faith in the rightness of our cause. We will continue to resist efforts to deny our rights by brute force, and we will remain steadfast in our belief that the wisdom and justice of the British constitution will prevail. All we ask is for a return to the harmonious relationship we enjoyed with the mother country before the tragic events of the past ten years. We must hang together to fight for what is just.

FROM THE RECORD

"Address to the People of Great Britain," delivered by New York delegate John Jay at the First Continental Congress, October 1774:

"We who are descended from the same common ancestors, whose forefathers participated in all the rights, the liberties, and the constitution you [the people of Britain] so justly boast of, and who have carefully conveyed the same fair inheritance to us refuse to surrender them....We consider ourselves and do insist that we are and ought to be as free as our fellow subjects in Britain, and that no power on earth has a right to take our property from us without our consent. We claim all the benefits secured to the subject by the British constitution.

"Prior to this era [1765] you were content with drawing from us the wealth produced by our commerce....We looked up to you as to our parent state, to which we were bound by the strongest ties; and we were happy in being instrumental to your prosperity and grandeur....To what causes are we to attribute the sudden changes in treatment, and that system of slavery which was prepared for us?

"For the necessary support of government here, we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall as we have hithertofore done, cheerfully contribute our full proportion of men and money. To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power has been violently thrown down in America.

"We believe there is yet much virtue, much justice, and much spirit in the English nation. To that justice we now appeal....Permit us to be as free as yourselves and we shall ever esteem a union with you to be our greatest glory, and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire; we shall consider your enemies as our enemies and your interest as our own."

A Summary View of the Rights of British America, *written by Thomas Jefferson, Virginia landowner, July 1774:*

"It is neither our wish nor our interest to separate from her [Great Britain]. We are willing on our part to sacrifice every thing which reason can ask to the restoration of that tranquility for which all must wish. On their part let them be ready to establish union on a generous plan. Let them name their terms, but let them be just. Accept of every commercial preference it is in our power to give, for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets, to dispose of those commodities which they cannot use, nor to supply those wants which they can not supply. Still less let it be proposed that our properties within our territories shall be taxed or regulated by any power on earth but our own."

Letter to the editor of a Boston newspaper, written by John Adams, Massachusetts lawyer, February 6, 1775:

"America has all along consented, still consents, and will ever consent that Parliament, being the most powerful legislature in the dominions, should regulate trade in the dominions....I contend that our provincial legislatures are the only supreme authorities in our colonies; our charters give us no authority over the high seas. Parliament has our consent to assume a jurisdiction over them...

"That a representation in Parliament is impracticable we all agree; but the consequence is that we must have a representation in our supreme legislatures here. This was the consequence that was drawn by kings, ministers, our ancestors, and the whole [British] nation more than a century ago when the colonies were first settled."

Letter to Parliament authored by the Second Continental Congress, July 1775:

"Our cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly available....The arms we have been compelled by our enemies to assume, we will employ for the preservation of our liberties; being with one mind resolved to die freemen rather than live slaves....We mean not to dissolve that union which has so long and happily subsisted between us....We have not raised armies with ambitious designs of separating from Great Britain and establishing independent states."

BELIEFS AND ASSUMPTIONS UNDERLYING OPTION 3

1. Taxation without representation is tyranny, reducing the colonists to the status of slaves.

2. In principle, Parliament has no authority over the colonies. Moreover, colonial representation in Parliament is impractical due to the vast distance separating the colonies from Britain.

3. The colonies should be willing to provide the mother country funds for their defense and administration.

SUPPORTING ARGUMENTS FOR OPTION 3

1. Separation from Britain will seriously harm the commercial interests of the colonies.

2. Our decision to take up arms against tyranny will be supported by members of the Whig Party in Parliament. They will recognize that we are acting in accord with English tradition.

3. By demonstrating our courage and commitment, we will force British officials to back away from their dangerous course and restore the rights to which we are entitled.

Option 4

FIGHT FOR INDEPENDENCE

Damn the king and damn Parliament! They have murdered our fathers and brothers, burned our homes, and stolen our property. Is this how a loving parent treats her children? The ties that once bound us to the mother country have been broken by British force. Now we must stand up for ourselves.

We in the colonies have grown up. The brave souls who came here to find the religious freedom and economic opportunity they were denied in England have built a new society. By right, we are entitled to independence. Even the English philosopher James Harrington recognized that the colonies would eventually wean themselves from the mother country. It is natural that the cord be cut now.

Feelings of gratitude and obligation toward Britain are misplaced. Britain has not protected our interests, but its own. Trade regulations were not intended to benefit the colonies, but to enrich Britain. Moreover, this conflict was started by British officials, not by us. The British took it upon themselves to close our ports, ban our assemblies, take away our property, and fire upon our citizens.

There is no longer good reason to remain tied to Britain. Our population is growing rapidly and in fifty years will surpass that of Britain. Our land is fertile and without limits, and our God-given resources dwarf those of the British Isles.

As an independent country, our trade would expand. Without the restrictions imposed by London, new markets in Europe would be open to American goods. Our merchants would be free to import products from France, Spain, Holland, or any other nation. Even the British would soon be eager for our trade. After all, will they go naked rather than purchase our flax, furs, cotton, and indigo? Independence will be a boon to our economy.

Independence will also permit us to develop along the path we have set for ourselves. From all over Europe, freedom-loving men who wish to be judged by their abilities and not by their birth would be attracted to our shores. Our foreign relations would be of our choosing. No longer would we be drawn into London's distant wars.

Of course, there are doubters among us who question our ability to succeed by force of arms. Rest assured that after the battles at Concord and Bunker Hill the British have no doubt about the determination and valor of our citizens. The British cannot wage war in the colonies for long. London's supply lines stretch to the other side of the Atlantic. Moreover, the French and the Spanish will see an opportunity to weaken their rival by supporting our cause. Even now, there are rumors that French aid is being sent.

God gave each of us the sacred natural rights of life, liberty, and security in our property. No power on earth can take these away without our consent. As John Locke asserted, we have an obligation to overthrow a government that violates its duty to protect our fundamental rights. Rather than endure tyranny, we have the moral authority to establish a government that will promote our well-being. Past divisions among the colonies will fade away once a continental government of our own replaces British rule.

A glorious future awaits us. In this New World, we can build a new nation founded on freedom, liberty, and economic opportunity. We can break the chains that link us to the corruption and strife of Europe. If we fail to strike out for independence, God protect us! Last year, it was the farmers of Lexington who were massacred. Who will be next? There is no turning back. We must strike out for freedom.

FROM THE RECORD

Pamphlet by Richard Wells, Philadelphia writer, 1774:

"We look to manhood — our muscles swell out with youthful vigor; our sinews spring with elastic force; and we feel the marrow of Englishmen in our bones. The day of independent manhood is at hand — we feel our strength; and with filial grateful sense of proper obedience, would wish to be esteemed the friend as well as the child of Britain."

Common Sense, *written by Thomas Paine, January 10, 1775:*

"We have boasted the protection of Great Britain without considering that her motive was interest, not attachment; that she did not protect us from our enemies on our account, but from her enemies on her own account....Let Britain wave her pretensions to the continent [America], or the continent, throw off the dependence and we should be at peace with France and Spain were they at war with Britain.

"America would have flourished as much, and probably much more had no European power taken any notice of her. The commerce by which she hath enriched herself are the necessaries of life, and will always have a market while eating is the custom of Europe....I challenge the warmest advocate of reconciliation to show a single advantage that this continent can reap by being connected with Great Britain....The injuries and disadvantages we sustain by that connection are without number because any submission to or dependence on Great Britain tends directly to involve this continent [America] in European wars and quarrels. As Europe is our market for trade we ought to form no political connection with any part of it....Europe is too thickly planted with kingdoms to be long at peace and whenever a war breaks out between England and any foreign power, the trade of America goes to ruin because of her connection with Britain.

"But Britain is the parent country say some. Then the more shame upon her conduct. Even brutes do not devour their young, nor savages make war upon their families....Europe and not England is the parent country of America. The New World hath been the asylum for the persecuted lovers of civil and religious liberty from every part of Europe...
"Even the distance at which the Almighty hath placed England and America is a strong and natural proof that the authority of the one over the other was never the design of heaven....There is something very absurd in supposing a continent to be perpetually governed by an island. In no instance hath nature made the satellite larger than its primary planet and as England and America with respect to each other reverse the common order of nature, it is evident they belong to different systems. England to Europe; America to itself.

"Men of passive tempers look somewhat lightly over the offences of Britain and still hoping for the best are apt to call out 'Come, come we shall be friends again for all this'....Can you hereafter love, honour, and faithfully serve the power that hath carried fire and sword into your land? Your future connection with Britain whom you can [no longer] neither love nor honour will be forced and unnatural....Reconciliation is now a fallacious dream....Every quiet method for peace hath been effectual....As Britain hath not manifested the least inclination towards a compromise, we may be assured that no terms can be obtained worthy the acceptance of the continent, or in any ways equal to the expense of blood and treasure we have already put in.

"No man was a warmer wisher for reconciliation than myself before the fatal 19th of April 1775 [the day of the battles of Lexington and Concord], but the moment the event of that day was made known I rejected the hardened, sullen tempered Pharaoh of England for ever....Is the power who is jealous of our prosperity a proper power to govern us?...Even the best terms which we can expect to obtain can amount to no more than a temporary expedient, or a kind of guardianship which can last no longer than 'til the colonies come of age.

"Nothing but independence, i.e. a continental form of government, can keep the peace of the continent and preserve it from civil wars....There are ten times more to dread from a patched up connection than from independence. I protest that if I were driven from house and home, my property destroyed, and my circumstances ruined I could never relish the doctrine of reconciliation.

'Tis not in the power of Britain to do this continent justice: the business of it will soon be too weighty and intricate to be managed with any tolerable degree of convenience by a power so distant from us and very ignorant of us. A government of our own is our natural right. The last chord now is broken. There are injuries which nature cannot forgive. Every spot of the old world is over-run with oppression. Freedom hath been hunted round the Globe. England hath given her warning to depart. Receive the fugitive, and prepare in time an asylum for mankind."

Essay by Jacob Green, Congregational minister from New Jersey, 1776:

"If we are independent, this land of liberty will be glorious on many accounts: population will abundantly increase, agriculture will be promoted, trade will flourish, religion unrestrained by human laws, will have free course to run and prevail, and America will be an asylum for all the noble spirits and sons of liberty from all parts of the world."

BELIEFS AND ASSUMPTIONS UNDERLYING OPTION 4

1. America is strong enough to stand on its own — without the false protection of Britain's distant power. Moreover, the colonies enjoy the natural right to govern themselves.
2. Disputes among the American colonies will fade away once we are responsible for governing ourselves.
3. Britain has rejected attempts at compromise, especially since blood has been shed.

SUPPORTING ARGUMENTS FOR OPTION 4

1. An independent America will be free of Britain's pointless wars and will enjoy unrestricted trade relations with the other nations of Europe.
2. Without the burdens of British imperial policy, American industry and commerce will be free to grow and prosper.
3. An independent America will be able to draw on the services of capable leaders ready for the responsibilities of self-government.

Optional Reading: The War for Independence — 1776-83

The fighting that took place in 1775 was in itself not enough to convince most colonists that they should break away from the mother country. Even many who had taken up arms continued to hope that ties between the colonies and Britain could be repaired.

In 1776, however, opinion within the colonies steadily shifted toward independence. One of the key events influencing the public mood was the publication in January 1776 of a slim pamphlet entitled *Common Sense*. The pamphlet's author, Thomas Paine, directed his writing to those who resented Britain's heavy-handed tactics but were wary of independence. Unlike earlier patriot pamphlets, *Common Sense* avoided legal arguments about the British constitution and acts of Parliament. Instead, Paine wrote in everyday English to convince colonists that separation from Britain was a matter of "common sense." Ironically, Paine himself had arrived in the colonies from England less than two years earlier.

The renewal of fighting in the spring of 1776 contributed to the widening gulf between the colonies and Britain. The Continental Army under George Washington, using the cannons captured at Fort Ticonderoga, forced the British and their loyalist supporters to evacuate Boston in March. The victory meant that Boston, Philadelphia, New York City, and Charleston, South Carolina, were under rebel control. In April, the Continental Congress voted to close all colonial ports to British shipping. Meanwhile, the British navy prevented supplies from reaching the rebels.

The rebels were also active in pursuing alliances in Europe. They opened secret negotiations with the French and Spanish to overcome the British naval blockade. The colonists were in particular need of gunpowder, which they could not manufacture in sufficient quantities. Uniforms for the Continental Army were also lacking. Several European nations were willing to take the risk of trading with the rebels. In most cases, their merchant ships first landed on the small Dutch island of Eustatia in the Caribbean and then tried to outrun the British navy in a race to colonial ports.

DECLARING INDEPENDENCE

The Virginia delegation to the Continental Congress took the lead in pressing for a complete break with Britain. On June 7, Richard Henry Lee proposed that the united colonies "ought to be free and independent states." A committee was formed four days later to draft a "Declaration of Independence." The membership of the committee — Benjamin Franklin of Pennsylvania, Thomas Jefferson of Virginia, John Adams of Massachusetts, Roger Sherman of Connecticut, and Robert Livingston of New York — reflected the efforts of the colonial representatives to bring the colonies together in a united front.

The rough draft of the declaration was the work of Jefferson. On July 2, Lee won approval from Congress for his proposal on independence. After a heated debate, Congress accepted a revised version of the Declaration of Independence on July 4. In the eyes of the rebel leaders, the colonies were now independent states. Although it was too soon to speak of the United States of America, many of the colonists were beginning to think of themselves not as English subjects, but as Americans.

> *We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. [Note that in the late 18th century, "happiness" referred to physical well-being, not an emotional or psychological state.]*
>
> *—Introduction to the Declaration of Independence*

The Declaration of Independence contrasted sharply with earlier patriot writings. The British Parliament was not mentioned in the document, suggesting to readers that Parliament had never possessed authority over the colonies. Instead, the authors of the declaration specifically charged the king with a long list of offenses. The declaration also made no mention of the rights of the colonists as English subjects.

To justify their independence, the colonists drew on the writings of the British philosopher, John Locke. In line with Locke's reasoning, the declaration held that the king had broken the contract between himself and the colonists by threatening their life, liberty, and property. As Locke would have argued, the king's actions entitled the colonists to revolt and to establish a new government to protect their rights.

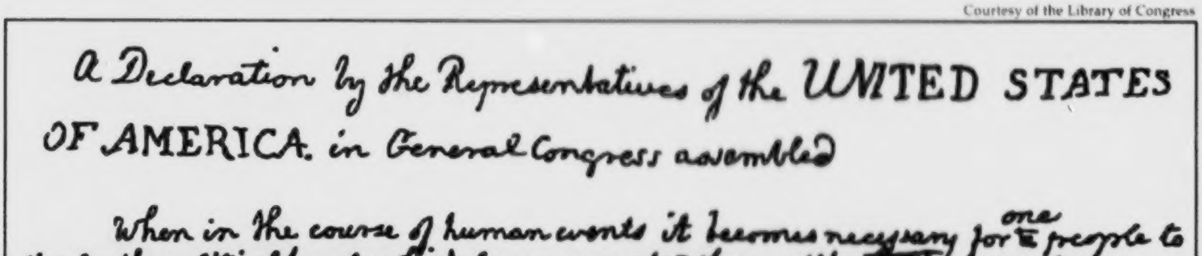
Although the text of the declaration was released immediately to colonial newspapers, the list of signers was not made public until January 1777 for fear of retaliation. In fact, seven of the men who signed the document were captured and imprisoned by the British during the war.

The king's loyal subjects

Even with the Declaration of Independence, a large portion of colonists continued to disapprove of Thomas Paine's arguments and the decisions of the Continental Congress. Many sought to keep their distance from the conflict, which seldom flared up in more than a few areas at a time. In addition, as much as 20 percent of the colonists actively supported British efforts to put down the rebellion and restore British rule.

Nearly 50,000 British-American loyalists, known as "Tories" by the patriots, fought on the side of the British during the war. Many were motivated by loyalty to the mother country, while others had economic

Courtesy of the Library of Congress



A Declaration by the Representatives of the UNITED STATES OF AMERICA. in General Congress assembled.

When in the course of human events it becomes necessary for ~~a~~ one people to dissolve the political bands which have connected them with another, and to [illegible] assume among the powers of the earth the ~~equal & independent~~ separate and equal station to which the laws of nature & of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to ~~the change~~ the separation.

We hold these truths to be ~~sacred & undeniable~~ self-evident; that all men are created equal ~~& independent~~; that ~~from that equal creation they derive~~ they are endowed by their creator with ~~equal rights some of which are~~ certain ~~inherent &~~ inalienable rights; that among ~~which~~ these are ~~the preservation of~~ life, ~~&~~ liberty, & the pursuit of happiness; that to secure these ~~ends~~ rights, governments are instituted among men, deriving their just powers from

An early draft of the Declaration of Independence, in the handwriting of Thomas Jefferson.

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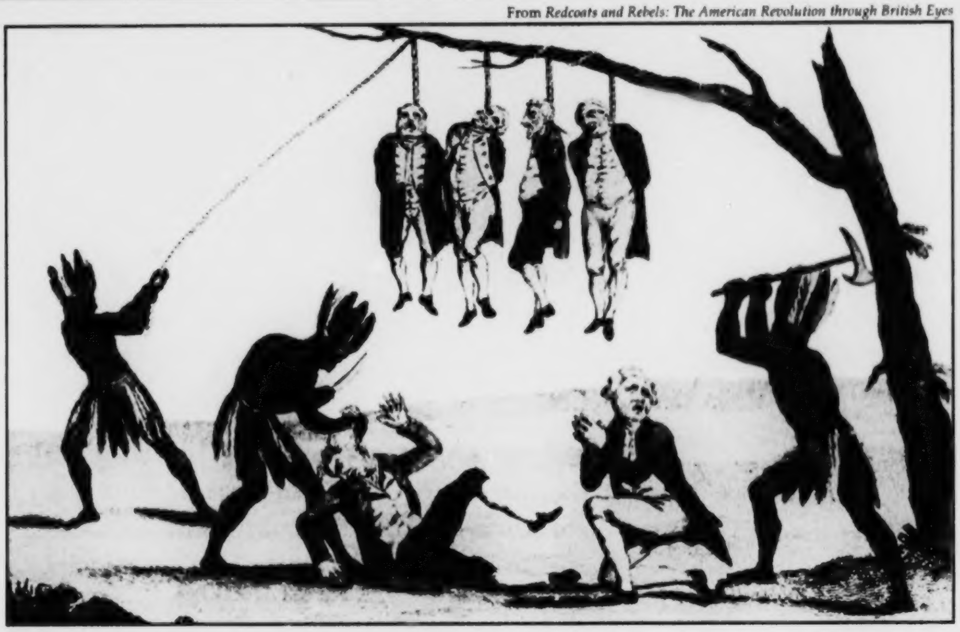


From *Redcoats and Rebels: The American Revolution through British Eyes*

In the British cartoon above, American colonists, portrayed as Indians, are shown killing loyalists.

reasons for favoring British rule. During the course of the war, the number of outspoken loyalists (as well as the number of rebels) rose and fell according to the military fortunes of the British.

Even loyalists who did not fight for the British came under attack. In areas controlled by rebel forces, vocal loyalists were often terrorized. A loyalist in Charleston, for example, was stripped naked, covered with hot tar, feathered, stoned, and thrown into a river by a rebel mob that then burned his house to the ground. Loyalist women were not spared from violence. An elderly loyalist widow in Massachusetts saw her house ransacked and burned by rebels. At the same time, loyalist bands were guilty of brutalizing patriot settlements on several occasions.

The hatred between loyalists and patriots intensified as the war dragged on. The war convinced many in both camps that hopes for eventually living together in peace were dim. A popular rebel saying defined a loyalist as, "someone who has his feet in America, his head in England, and a neck that ought to be stretched!" Captured loyalist soldiers were, in fact, sometimes executed.

By the conclusion of the war, nearly 100,000 loyalists had given up their homes and property to flee what had been British America. In addition, approximately 20,000 black slaves left America after escaping from their masters during the six years of fighting.

ON THE BATTLEFIELD

America's War of Independence was more a contest of wills than of military might. The Continental Army won few clear-cut victories against the highly trained British forces. Nonetheless, their determination to keep up their resistance eventually wore down Britain's commitment to defeat the rebels.

At several stages in the war, the Continental Army was pushed to the breaking point. The first came in August 1776, when General Washington and his forces were routed by a British army advancing on New York. After failing to stop the British offensive, the Americans were forced to retreat into Pennsylvania during the fall.

Washington had all he could do just to hold his army together and maintain a sense of morale. On Christmas night, 1776, he staged a daring raid across the icy Delaware River. The attack resulted in the capture of 900 Hessians (German mercenaries who fought for the British) and convinced many American troops to continue fighting.

Turning point at Saratoga

In 1777, the war revolved around a British plan to cut off the New England colonies by seizing control of the Hudson River in New York. The British, however, unwittingly played into the strengths of the Americans. The long columns of British troops were exposed to repeated hit-and-run attacks as they marched toward the river. At Saratoga, New York, the Americans pinned down the army of General John Burgoyne in October 1777, forcing the surrender of nearly 6,000 troops.

The American victory at Saratoga marked a turning point in attitudes toward the war both at home and abroad. France, which had been secretly aiding the rebels, officially signed an alliance with the new American nation in February 1778.

News of the alliance with France cheered Washington and his army, which was camped for the winter at Valley Forge, Pennsylvania. Otherwise, the Americans had little to celebrate. Washington had twice been defeated by the British outside of Philadelphia. British forces occupied Philadelphia, driving the Continental Congress out of the capital. Moreover, the Continental Army was running desperately short of supplies. Nearly one-third of Washington's troops were unable to fight because of illness.

> *I must inform you that what our soldiers have suffered this winter is beyond expression as one half has been bare foot and almost naked all winter; the other half very badly on it for clothes of all sorts. And to complete our misery very short on it for provision [food] not long since our brigade drew but a half day's allowance of meat in eight days....The country towns have provided clothing for their men and brought them to camp. But as there has been none from the seaport towns I fear they have lost all their public spirit. I would beg of them to rouse from their stupidity and put on some humanity and stir themselves before it is too late.*
>
> *—Letter from officer at Valley Forge*

Britain's southern strategy

The British shifted their attention to the southern colonies in 1778. British strategists expected to draw on the strength of loyalist support in Georgia and the Carolinas to isolate the northern colonies. The British force occupying Philadelphia evacuated the city in June 1778 and marched back to New York. Along the way, they clashed with Washington's army in a bloody, but indecisive battle at Monmouth, New Jersey. The encounter proved to be the last major battle of the war north of Virginia.

In December 1778, the British captured Savannah, Georgia, and quickly extended their control over the entire Georgian colony. A joint American-French campaign to dislodge the British from Savannah failed disastrously in 1779. Meanwhile, the financial problems of the American state continued to mount. Despite large loans from France and Spain, the Continental Congress was hopelessly behind in paying troops and suppliers. The value of the $200 million in paper money issued by the Congress quickly collapsed. Few colonists were willing to accept the currency, and by the end of 1779 it was practically worthless.

The debt crisis of the Congress was felt within the ranks of the Continental Army. In the winter of 1779-80, Washington's troops in New Jersey mutinied. They had been living on one-eighth of their normal rations and were owed five months of back pay. Washington was forced to call on his loyal Pennsylvania regiments to restore order.

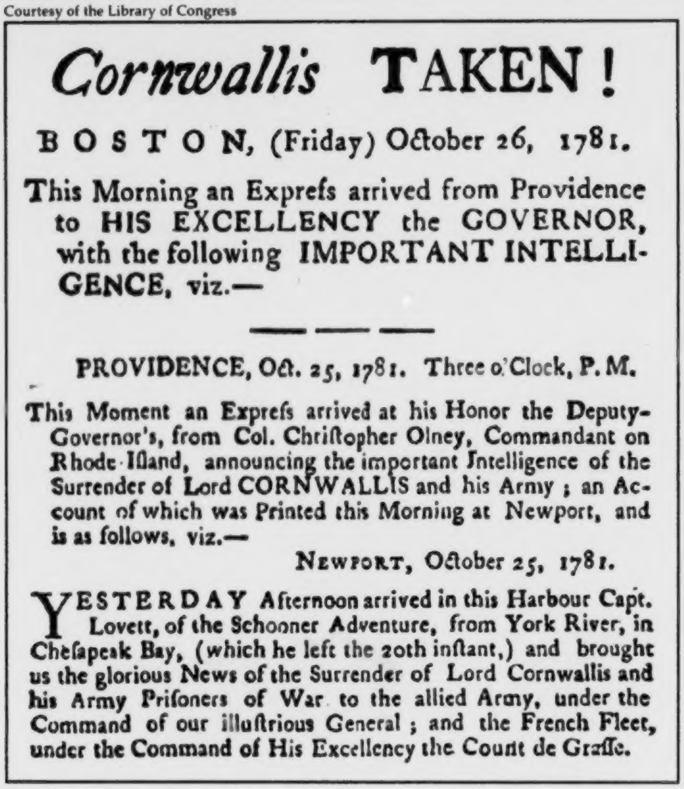
The Americans were also on the defensive in the south. In May 1780, the British captured 5,400 American troops in taking Charleston. Five months later, the Americans suffered another serious setback at Camden, South Carolina.

America's decisive victory

The tide began to turn in October 1780, when American frontier troops overran a loyalist outpost in King's Mountain, South Carolina. Further to the west, at Cowpens, South Carolina, the Americans achieved another victory in January 1781. Under increasing pressure in the Carolinas from patriot armies, General Charles Cornwallis marched his British troops toward Virginia. He hoped to regroup his army on Virginia's Yorktown peninsula before setting out on a campaign to put down the rebellion in the interior.

General Washington saw an opportunity to set a trap for Cornwallis. He and a French general, the Count de Rochambeau, joined their forces to gain control of the land approaches to Yorktown. At the same time, a French fleet sailing north from the Caribbean

Courtesy of the Library of Congress



Cornwallis TAKEN!

BOSTON, (Friday) October 26, 1781.

This Morning an Expreſs arrived from Providence to HIS EXCELLENCY the GOVERNOR, with the following IMPORTANT INTELLIGENCE, viz.—

PROVIDENCE, Oct. 25, 1781. Three o'Clock, P. M.

This Moment an Expreſs arrived at his Honor the Deputy-Governor's, from Col. Chriſtopher Olney, Commandant on Rhode-Iſland, announcing the important Intelligence of the Surrender of Lord CORNWALLIS and his Army; an Account of which was Printed this Morning at Newport, and is as follows, viz.—

NEWPORT, October 25, 1781.

YESTERDAY Afternoon arrived in this Harbour Capt. Lovett, of the Schooner Adventure, from York River, in Cheſapeak Bay, (which he left the 20th inſtant,) and brought us the glorious News of the Surrender of Lord Cornwallis and his Army Priſoners of War to the allied Army, under the Command of our illuſtrious General; and the French Fleet, under the Command of His Excellency the Count de Graſſe.

An article from the *Boston Gazette* announcing Britain's surrender.

repulsed British warships sent from New York to aid Cornwallis. The British army now had no escape route. After a month-long siege, Cornwallis surrendered his army of 7,500 men in October 1781.

Although the British remained in control of New York, Savannah, and Charleston, their defeat at Yorktown was seen as a crushing blow London. When British Prime Minister Lord Frederick North received word of Cornwallis' surrender the following month, he declared, "It is all over now!" and resigned from office. While the rebels had not officially achieved victory, the British had clearly lost the will to carry on the war.

WAR'S HIDDEN FACE

Aside from the string of battles recorded in the history books, America's War for Independence spilled over into many arenas. Some were close to home but removed from the front lines. Others were far from America's shores.

The home front

The War for Independence left few colonists untouched. The heaviest price was paid by civilians living in areas of actual fighting. The frontier, however, was not spared from bloodshed. Atrocities against civilians were committed by both sides on the frontier. In particular, terrorism was a tactic frequently employed by rebels against loyalist sympathizers and by Indians allied with the British. In contrast, the regular troops of the British forces and the Continental Army usually took measures to avoid civilian casualties and limit property damage. Colonial farmers received high prices for their crops from both British and American officers.

To a large extent, women were in charge of the home front in America during the war. Many took over businesses or managed farms in the absence of their husbands. Thousands of other women, both rebels and loyalists, accompanied their husbands to war. They served as cooks, nurses, laborers, and even combat soldiers. A few women, such as Mary Ludwig Hays (better known as "Molly Pitcher"), gained fame among Americans for their heroism in battle. More significant, however, was the medical care women provided. Twice as many deaths in the Continental Army were caused by disease than by battlefield injuries, and even minor wounds could lead to fatal infections.

> *I long to hear that you have declared an independence — and by the way in the new code of laws I desire you would remember the ladies, and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember all men would be tyrants if they could. If particular care and attention is not paid to the ladies we are determined to foment a rebellion, and will not hold ourselves bound by any law in which we have had no voice, or representation.*
>
> *—Letter by Abigail Adams*
> *to her husband, John*

36

The war placed severe strains on the American economy. The British naval blockade sharply reduced imports and trade. Even staple items, such as flour and molasses, were scarce. Attempts to introduce paper currency in the former colonies failed to win public trust. The Continental paper dollar, which originally was pegged to the value of the Spanish silver dollar, was worth about half a cent by 1781. (In other words, 200 paper dollars bought what a single silver Spanish dollar could buy.) Paper money issued by the states fared even worse. Nonetheless, wages for American soldiers and supplies for the Continental army were usually paid with paper money.

Britain's global war

The war between Britain and the American colonies was soon transformed into a global struggle involving many of the leading powers of Europe. The Caribbean, which had long been a focus of European rivalry and colonization, was the scene of naval battles involving the British, French, and Spanish that were much fiercer than clashes off the American coast.

The Caribbean islands were particularly valuable to the imperialist powers of Europe. Because of the prevailing winds, the Caribbean was easier to reach from Europe than the American colonies and thus served as a center for trade. In addition, the export crops grown on the plantations of Cuba, Jamaica, Guadeloupe, and other islands greatly enriched the mother countries.

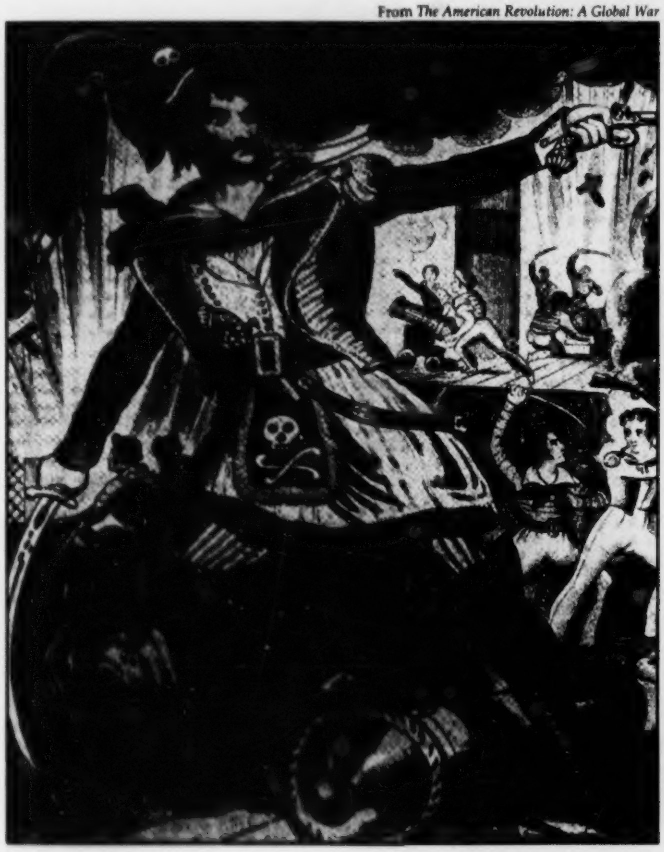
During the course of the war, eight bases in the Caribbean changed hands. Fleets of heavily armed "ships of the line" — warships carrying from 50 to more than 100 cannons — were often lost in battles over key islands.

The eagerness of France and Spain to press their advantage forced the British to concentrate much of their navy in the Caribbean. As a result, there were many holes in Britain's naval blockade of the rebellious colonies. Moreover, British ships in America were more vulnerable to attack by the French, as British officers discovered at Yorktown in 1781.

The coast of the Gulf of Mexico served as another front of the war. In the early stages of the fighting, Bernardo de Galvez, the Spanish governor of the vast territory of Louisiana, helped American rebels obtain badly needed supplies of gunpowder, muskets, and cloth. De Galvez's assistance enabled the Americans to capture a string of British forts along the Mississippi and Ohio rivers. After Spain officially declared war on Britain in June 1779, the Spanish fought to settle their dispute with London over control of Florida. De Galvez himself led the campaign that drove the British out of the territory.

The French and the Spanish briefly threatened the British Isles themselves in late 1779. While bad weather and faulty communications sank the plan for a joint invasion by the French and Spanish fleets, the southeastern coast of Britain was nonetheless put on a war footing to repulse the expected landing. America's most daring naval captain, John Paul Jones, also succeeded in bringing the war home to the British

From *The American Revolution: A Global War*



American naval captain John Paul Jones was characterized as a pirate in the British press.

public. While his raids on English coastal towns produced little damage in themselves, they nonetheless weakened Britain's resolve. Increasingly, the British were growing frustrated by the costs of the war, which ranged from a drop in trade to a sharp rise in insurance rates for British shipping. Prime Minister North found his policies coming under harsher criticism in Parliament.

The most distant corners of the British empire could not escape the winds of war. Sea battles were fought off the coast of Africa over domination of slave trading outposts and key ports that supplied ships travelling to Asia. In the Indian subcontinent, fighting involving Britain, France, and local Indian rulers continued after the war in America came to an end.

Ships of prey

The British saw their empire largely as a means to promote the trade of the mother country. Not surprisingly, the Americans were determined to strike at British commerce as part of their war effort. A key element in their strategy focused on crippling British merchant shipping.

The Americans lacked the naval strength to challenge Britain's command of the seas. The entire Continental Navy consisted of fewer than 100 ships equipped with fewer than 2,000 guns. Most of the navy was either sunk early in the war or bottled up in American harbors by the British blockade. To compensate for the limitations of its navy, the Continental Congress encouraged private shipowners to arm their vessels and capture British merchant ships.

These "privateers," as they were known, would then take their prey to neutral ports, where the captured ship and the cargo would be sold. During the war, nearly 1,700 privateers, equipped with 15,000 guns, were commission by the Congress. Although outgunned by heavily armed British warships, the privateers typically used their speed and agility to elude the British navy.

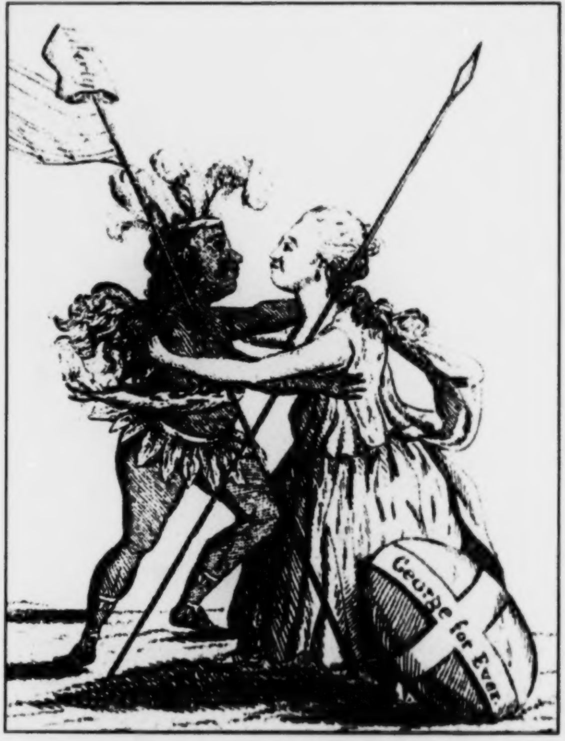
While most privateers were manned by American captains and crew, many were captained by Europeans who recruited their crews in European ports. John Paul Jones was in fact a Scottish sea captain who landed in the colonies looking for work shortly after the war began. His largest ship, the *Bonhomme Richard*, never docked in an American port. It was outfitted in France and manned by French, Irish, English, Dutch, Portuguese, Spanish, and a small group of American sailors.

PEACE AT LAST

The global dimension of America's War for Independence complicated efforts to reach a peace settlement. America's alliance with France was a particularly difficult sticking point. In February 1782, Parliament voted to stop military operations in the former American colonies. (British forces had, in fact, ended their campaign after the fall of Yorktown.) Nonetheless, the war between Britain and its European rivals continued.

A final treaty was not signed until January 14, 1784, over a year after the British and Americans had agreed on the basic terms of the settlement. Under the Treaty of Paris of 1783, Britain recognized the

From *Redcoats and Rebels: The American Revolution through British Eyes*



An embrace between America (depicted as an Indian woman) and Britain reflects a British view of the Treaty of Paris.

independence of the thirteen colonies and gave up its claims to territory from the Atlantic Coast to the Mississippi River. Another set of thornier issues involving the property and treatment of loyalists, fishing rights off the coast of Canada (which remained in British hands), the evacuation of British frontier forts, and use of the Mississippi River system were not resolved until the next decade.

More immediate was the human toll of the war. Of the 2 million whites living in America at the time of the war, at least 250,000 (over half of the men of military age) took part in the fighting. Within the Continental Army, 26,000 soldiers died during the conflict, most from disease. (Casualty figures for American loyalist troops are less precise.)

In light of America's small population in 1775-81, the death rate suffered by soldiers during the War for Independence was relatively high. In comparison, the death rate suffered by U.S. forces during World War II was four times lower. Of America's future wars, only the Civil War would produce a higher death rate.

In addition to personal grief, the war left behind political and economic uncertainty. What had begun as a struggle for the rights of life, liberty, and property had resulted in the independence of the thirteen American colonies. Many of America's main cities, ports, and roads had been seriously damaged. In all, both sides had spent many times more fighting than the sum of the taxes they had once disputed. And yet, it remained unclear what the Americans had achieved.

Part III: The Articles of Confederation

As the colonial rebellion of 1775 grew into the War for Independence, the responsibilities of government were suddenly thrust on the Continental Congress. In addition to creating the Continental Army and issuing the Declaration of Independence on July 4, 1776, the congressional delegates appreciated the need to link the thirteen colonies within a formal political structure.

The task of developing a political plan fell to a committee of thirteen delegates, chaired by John Dickinson of Pennsylvania. On July 12, 1776, the committee submitted a draft proposal for loosely uniting the colonies. Nearly sixteen months passed before the colonial delegations that made up the Congress approved a document forming a confederation.

The legislatures of the rebellious colonies (designated as "states" by the confederation) were responsible for ratifying the plan. All except Maryland quickly approved it. (Maryland withheld its ratification until the large states gave up their claims to land extending to the Mississippi River.) During the war years, the Articles of Confederation served as the guiding principles for the new nation. When Maryland finally gave its ratification in March 1781, the first constitution of what would be called the "United States of America" officially took effect.

EXCERPTS FROM THE ARTICLES OF CONFEDERATION

Whereas, the delegates of the United States of America, in Congress assembled, did, on the fifteenth day of November in the year of Our Lord 1777, and in the second year of independence of America agree to certain articles of confederation and perpetual Union between the states of [the thirteen former British colonies are listed]...

Article I

The stile [name] of this confederacy shall be "The United States of America."

Article II

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

Article III

The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them...

Article IV

....The free inhabitants of each of these states...shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress [travel] to and from any other state and shall enjoy therein all the privileges of trade and commerce, subject to the same duties [taxes], impositions and restrictions as the inhabitants thereof....Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

Article V

Delegates shall be annually appointed in such manner as the legislature of each state shall direct...with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead....No state shall be represented in Congress by less than two nor more than seven members....In determining questions in the United States in Congress assembled, each state shall have one vote.

Article VI

[Individual states are prohibited from making treaties with one another or foreign countries without the approval of Congress. State taxes on imports in conflict with treaties made by the Congress are prohibited. Except in case of invasion, no state may engage in war without the consent of Congress.]

Article VII

[When land forces are needed for common defense, the state raising the army will appoint all officers at and under the rank of colonel.]

Article VIII

All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury which shall be supplied by the several states in proportion to the values of all land within each state....The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress.

Article IX

The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war,...sending and receiving ambassadors, and entering into treaties [The states retain the right to prohibit the importation or exportation of any goods; no treaty of commerce can restrict this.]

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever. [For each dispute, a special court consisting of seven to nine judges is to be created, then disbanded after the case is decided.] The court shall proceed to pronounce sentence or judgment which shall be final and decisive...

[Congress is granted the authority to regulate the composition and value of coin struck by the United States or by individual states, to fix standard weights and measures, manage Indian affairs, regulate post offices, appoint land and naval officers serving the United States, and make rules regulating the land and sea forces and direct their operations.]

The United States in Congress assembled shall have the authority:

a) to appoint a committee to sit in the recess of Congress...and to consist of one delegate from each state...

b) to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction...

c) to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years...

d) to ascertain the necessary sums of money to be raised...

e) to borrow money or emit bills on the credit of the United States...

f) to build and equip a navy, to agree upon the number of land forces...

g) [to requisition troops from the individual states proportional to their white population.]...

[All important issues involving war and peace and the expenditure of money will require the assent of nine state delegations, each having a single vote.]

Article X

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of the nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled be requisite.

Article XI

[Canada may join on an equal footing with the original thirteen states. Any other additions require the agreement of nine state delegations.]

Article XII

[Debts incurred by the Continental Congress before the Articles of Confederation take effect remain valid.]

Article XIII

Each state shall abide by the determinations of the United States in Congress assembled on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them unless such alteration be agreed to in a Congress of the United States and be afterwards confirmed by the legislatures of every state...

Part IV: The Road to the Constitutional Convention

The War for Independence settled the question of America's political ties to Britain. The thirteen states could now claim complete self-rule. However, the war did not settle the question of who within the newly independent states would rule.

Although the Declaration of Independence had proclaimed that "all men are created equal" and possessed "certain unalienable Rights," in practice the situation was quite different. Most states limited the right to vote to white male adults who were taxpayers or who owned a set amount of land. While the proportion of Americans who farmed their own land was much higher than in Britain, a sizeable minority of white men in many states did not meet the property requirements for voting.

Even within the body of citizens eligible to vote, political influence was far from equal. The patriot leadership was drawn primarily from the wealthier and educated classes. Most prominent patriots mistrusted the judgment of the small farmers, craftsmen, and other ordinary Americans who made up the vast majority of the country's population. Members of the patriot elite expected to continue guiding the new nation after independence and to avoid the pitfalls of what many of them called "popular rule."

Many of these same men, however, developed state constitutions that paved the way for a more democratic society. In response to the abuses of royal governors during colonial times, they approved strict limits on the authority of the new state governors. Instead, the popularly elected state legislatures held the most power. In states with a two-house legislature, representatives to the upper house were usually elected by a more narrowly defined group of voters than representatives to the lower house.

AMERICA'S POLITICAL FOUNDATION

During the 1780s, the state legislatures were political battlegrounds. The divisions extended beyond the struggle between rich and poor. In many cases, personal alliances built around family and business relations generated rivalries that cut across economic lines. The notion of political parties had not yet taken hold. Instead, the alliances were described as "factions."

Some factions were especially sensitive to the hardships of small farmers, many of whom owed substantial debts. With little money in circulation, the farmers were struggling to pay their loans and taxes. The "popular" factions pushed laws through the state legislatures to increase the supply of money by printing paper currency, establish state-run land banks to loan money to farmers, and delay the process of foreclosing on farmland and livestock for unpaid debts. The efforts to protect small farmers raised concern among the wealthy classes of the new society. In some states, like Rhode Island, the factions representing small formers and other struggling debtors remained in control for most of the decade.

At the same time, town dwellers enjoyed a much greater voice in the state legislatures than their counterparts in the countryside. The districts electing representatives were not of equal size. Rather, the population of the city districts was much lower than the population of rural districts, meaning that a vote by an urban shopkeeper often counted for more than a vote by a small farmer.

Building national character

The debate over who should rule was in many respects a character issue. Members of the upper class believed that they should direct the new nation not only because of their wide-ranging responsibilities and experiences but because they were men of character and moral stature. Building moral character was considered to be an important function for government, as well as for families and churches. The bills of rights issued by Massachusetts and Virginia specifically stressed the importance of character.

America's elite felt that strong moral character among the citizenry was the foundation for a successful republic. "Liberty" was seen as more than an absence of unnecessary governmental restrictions. It also meant the active participation of the citizen in the government and society.

> *A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government.*
>
> *—Article XVIII, Massachusetts Bill of Rights*

America's political leaders were convinced that their experiment would fail without a willingness to sacrifice self-interest in the name of the greater good. They believed that men of justice, moderation, practical wisdom, and courage were capable of overcoming their differences on particular issues to pursue the betterment of society and protect the rights of individuals.

The outlook of America's elite was based on the conviction that individuals who were dependent on others could not form independent judgments of their own. As a result, a majority of the country's population was left out of the political system. The right to vote was frequently denied to craftsmen and laborers who worked for others. Women, who were legally dependent on their husbands, and slaves were completely excluded from the political process. Most states also did not give voting rights to indentured servants, who were obligated to work for-their sponsors for a set period of time.

Roman models

The emphasis on character and the sense of mission among America's leaders were reflected in their fascination with the Roman Republic and its legendary heroes. Roman names were used as pen names in political writings. Instruction in Latin and Greek was considered the cornerstone of a proper education. The architectural styles of Roman civilization were adapted by American builders. Even plays, novels, and histories dealing with themes from Roman history enjoyed widespread popularity.

Roman historical figures of noble character, such as Brutus, Cicero, Cincinnatus, Regulus, and Cato, were frequently held up as role models for America's elite. The values of Rome's "patricians" — the small group of senators who crafted the laws of the ancient republic — were idealized. Among the patriot leadership, George Washington best personified the selfless devotion to the cause of the nation that was attributed to the patricians. He emerged from the War for Independence as the only American leader universally respected in the thirteen states.

The classical age of ancient Greece was far less appealing to America's elite. In contrast to the Roman Republic, the Athens of Pericles (in the second half of the 5th century B.C.) was a direct democracy in which every citizen could debate and vote on the issues. Athenian citizens were chosen at random to fill top government positions for a one-year term.

Direct democracy was not what America's founding fathers wanted. They much preferred the model offered by the Roman system, in which the upper classes led the government and military. For them, the lessons of history illustrated the dangers of a democratic, as opposed to a republican, form of government. Athens' democracy was destroyed by war and internal strife soon after Pericles' death, while the Roman Republic flourished for more than four centuries (from about 500 to 30 B.C.).

STEPS TOWARD A NATIONAL GOVERNMENT

In addition to questions about the nature of the American republic, debate within the new nation revolved around the role of the central government. Many Americans were satisfied with the system established by the Articles of Confederation. They praised state legislatures for responding to the interests of voters and supported the guarantees of individual rights that had been included in many of the new state constitutions.

The strength of the economy also suggested that America was on the right track. By 1787, trade had risen to prewar levels and economic output had recovered from a postwar slump. The planned development of the western lands acquired from Britain in the Treaty of Paris promised future prosperity. Moreover, the country's population was continuing to rise at a rapid rate, reaching 3.9 million (including slaves) by the end of the 1780s.

Other Americans, however, saw serious shortcomings in the confederation system. The "Federalists," as they became known, were clearly in the minority in the 1780s, much like the patriot leaders who demanded independence in 1776. Nonetheless, they presented a persuasive case for strong national government.

The Federalists were drawn from a broad cross section of the elite. Among their ranks were those who argued that a strong central government was necessary to promote commerce and settlement. Merchants, for example, wanted a standard set of laws to enable them to conduct business and collect debts across state lines. Shipowners, sea captains, and exporters pressed for strong government to promote overseas trade. On the frontier, settlers and land speculators doubted the ability of the Continental Congress to protect their lands, especially in territorial disputes with the Spanish and British.

The aftermath of the War for Independence also generated support for the Federalist cause. Squabbles among the states and the weakness of the Continental Congress led many former officers in the Continental Army to feel that their wartime sacrifices were being dishonored. Investors who had bought war bonds issued by the Congress or the states insisted that they be paid.

Cracks in the confederation

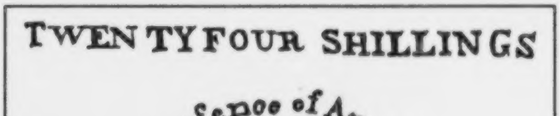
The same group of men that had shaped the Declaration of Independence were largely responsible for writing the Articles of Confederation. The document they authored was designed to concentrate political power in the elected legislatures of the thirteen American states. The framers of the confederation sought to prevent the rise of a strong central government that might threaten their rights.

The Articles of Confederation proved especially weak in two areas — finances and foreign affairs. Congress had no authority to raise revenue for the operations of the national government. Instead, it was completely dependent on the states for funding, and the states jealously guarded their control of the national purse strings. As a result, the 1780s were marked by one financial crisis after another. Several amendments were proposed to the articles that would have allowed Congress to raise revenue by taxing imports. For the amendments to take effect, however, they needed to be approved by all the states. None cleared the hurdle.

Among European governments, the young American republic was viewed as weak. Although the Articles of Confederation gave Congress the exclusive right to negotiate treaties with foreign governments, in practice the national government lacked the power to enforce them. Congress, for example, was unable to compel the states to respect a treaty it approved on the treatment of loyalist claims in America. Likewise, foreign governments quickly recognized that America could not force them to live up to their obligations, as the British showed in delaying their withdrawal from forts in the Great Lakes region. Foreign ambassadors secretly played one state against another and even turned to bribery to influence members of Congress.

Movement toward reform

The problems of the Articles of Confederation were brought into sharper focus in September 1786


TWENTY FOUR SHILLINGS
Iſſued in defence of American Liberty
MAGNA CHARTA
Enſe petit placidam ſub Libertate Quietem
Augt 18. 1775

Paper money issued by Massachusetts.

when representatives from five states met in Annapolis, Maryland. The convention was originally organized to address a long-running border dispute between Maryland and Virginia regarding the use of the Potomac River, their common boundary. With the involvement of three additional states, the Annapolis meeting became a forum for discussing ideas to improve relations among the states.

Before returning home, the delegates to Annapolis called on Congress to convene a meeting in the spring of 1787 to "take into consideration the trade and commerce of the United States." In February 1787, Congress agreed that the Articles of Confederation should be revised.

> *It is expedient, that on the second Monday in May next, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the states, render the federal constitution adequate to the exigencies of government, and the preservation of the union.*
>
> *—Resolution of the Continental Congress, February 21, 1787*

Rebellion in Massachusetts

While Congress was studying the recommendations of the Annapolis meeting, a rebellion in western Massachusetts brought a new sense of urgency to the calls for reform. The rebellion spread as the financial burdens weighing down small farmers increased. Many of them were deep in debt to the merchants of Boston and other coastal cities. Farmers pressed the Massachusetts legislature to stop state courts from foreclosing on their land.

When the legislators did not respond to their pleas, the farmers took matters in their own hands. Led by Daniel Shays, a former militia captain, 2,000 farmers seized control of Hampshire County in western Massachusetts. They closed the courts there and prevented sheriffs from carrying out court orders to take away the land of local farmers.

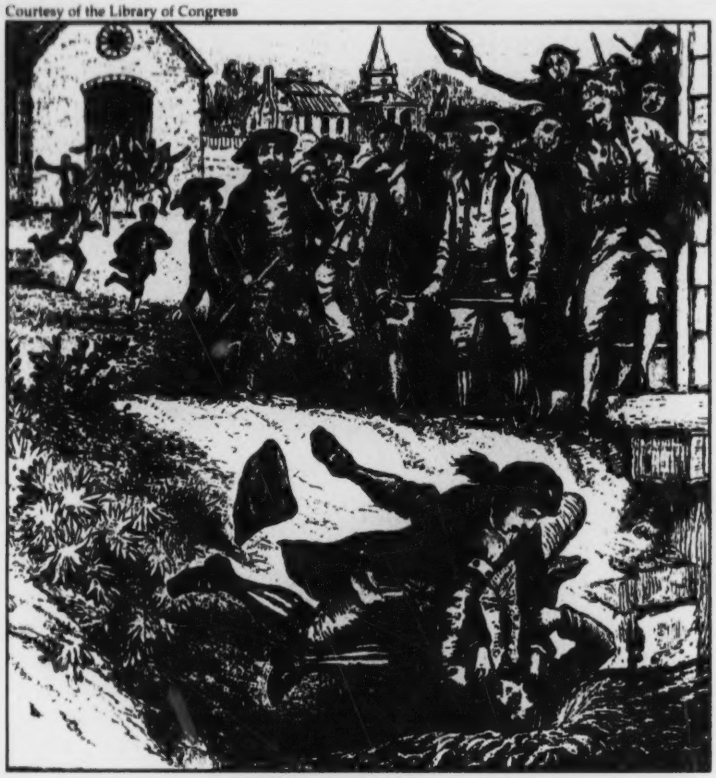
What became known as "Shays' Rebellion" featured a long list of grievances. Most immediate were the complaints that the shortage of cash in Massachusetts left farmers unable to meet their debts and that they were often subjected to unjust punishment. The farmers also had a larger political agenda. They demanded that the Massachusetts constitution be revised, that the state legislature assemble outside of Boston, and that many of the state's lower courts be abolished. The farmers directed much of their anger toward lawyers, who, in their words, "have been more damage to the people at large, especially the common farmers, than the savage beasts of prey."

Shays' Rebellion horrified much of America's elite. The wealthy in every state feared that indebted small farmers would rise up against authority. Abigail Adams, in a letter to Thomas Jefferson, applauded when a regiment of the state militia organized in Boston smashed the uprising and captured its leaders.

> *Ignorant, restless desperados, without conscience or principles have led a deluded multitude to follow their standard, under pretense of grievances which have no existence but in their imaginations. Some of them were crying out for a paper currency, some for an equal distribution of property, some were for annihilating all debts....There is the necessity of the wisest and most vigorous measures to quell and suppress it. Instead of that laudable spirit which you approve, which makes a people watchful over their liberties and alert in the defense of them, these mobbish insurgents are for sapping the foundation, and destroying the whole fabric at once.*
>
> *—Abigail Adams*

Jefferson shared the concern of his wealthy friends about the shakiness of America's governing institutions. Nonetheless, he viewed rebellion as a necessary part of the political process. "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants," Jefferson wrote. "It is its natural manure."

Courtesy of the Library of Congress



A farmer is shown attacking a local official in Shays' Rebellion.

PHILADELPHIA — MAY 1787

Many of the issues raised by Shays' Rebellion continued to simmer as delegates from the states prepared to meet in Philadelphia in May 1787. Even without the uprising, there was ample controversy in the air.

Prominent patriots feared that the convention would strengthen the national government at the expense of the states and individual liberty. Upon learning of the proposed convention, Patrick Henry responded by saying that he "smelt a rat." Similarly, Samuel Adams was suspicious "of a general revision of the Confederation." Moreover, several of the central figures of the independence struggle were not in attendance at the convention. Others, such as John Adams and Thomas Jefferson, were out of the country on diplomatic missions.

In the end, the gathering in Philadelphia brought together a narrow slice of America's elite. While all the state legislatures, except Rhode Island, sent delegates, many arrived late or left for extended periods during the deliberations. At no time were more than eleven state delegations present. Typically, thirty delegates attended the daily meetings. In all, fifty-five men participated in the deliberations. Twenty-seven of the delegates belonged to the Society of Cincinnati, a group whose members saw themselves as the 18th century counterparts of Rome's patricians and were holding their meeting in Philadelphia at the same time as the convention. More than half of the delegates at the convention had been trained as lawyers.

An uncertain agenda

The convention officially opened on May 25, 1787, when a quorum of seven state delegations was reached. The delegates unanimously elected George Washington as president of the convention. Washington did not actively take part in the debates of the gathering until the final day. Nonetheless, he was an imposing presence. Few of the delegates doubted that Washington would be chosen as America's first national leader after the convention.

From the outset, the delegates agreed to conduct their deliberations in secret. No official minutes of the meetings were recorded, although a number of delegates took private notes. (The most extensive set of notes, written by James Madison, were not made public until 1831.) In keeping with the Articles of Confederation, each state delegation, regardless of the number of members, was granted one vote.

The delegates shared a general conviction that the national government needed to be strengthened. There remained, however, thorny areas of disagreement. The Delaware legislature, for example, had instructed its delegates to defend the fifth article of the Articles of Confederation, which gave each state equal representation Congress. Large states contended that the arrangement was unfair. Questions revolving around the collection of taxes, slavery, and voting rights also posed obstacles. Finally, no one knew for sure how the recommendations of the convention would be received by the rest of the nation.

Part V — The Constitution of 1787

After nearly four months of debate, controversy, and compromise, the state delegates at the Philadelphia convention agreed on September 15, 1787, to the final draft of a new constitution. The document reflected the give and take of the long, heated sessions on the second floor of the Pennsylvania State House. Many provisions, such as those dealing with state representation in the national government, went through numerous stages of revision. If the convention had continued, further changes would have undoubtedly been made.

No consensus was reached on some issues, such as how slaves should be classified for purposes of political representation and taxation. To break the deadlock between southern and northern states, the delegates agreed to count each slave as equivalent to three-fifths of a free person. (The formula was borrowed from a proposed amendment to the Articles of Confederation.) Other key questions remained unanswered as well. In the end, the delegates to the convention presented their draft not so much as a polished document, but with the acknowledgment that after four months of work they were not going to make much more progress.

In many respects, the constitution put forward resembled a patchwork quilt. Each section of the document had been crafted separately and then loosely stitched together at the end. Some sections seemed to clash with others, but from a larger perspective a clear pattern stood out.

The delegates created a strong national government with interdependent executive, legislative, and judicial branches. They spelled out the general powers of the national legislature, and yet left much room for interpretation. The constitution asserted the supremacy of the national government while allowing the states to hold onto broad areas of authority. In many instances, the boundary between the jurisdiction of the national government and the states seemed intentionally fuzzy.

When the draft constitution was finally put before the Philadelphia convention, only thirty-nine of the original fifty-five delegates signed it. A few of the delegates had left in protest, while others were drawn away for personal reasons. Rhode Island had not bothered to send a delegation to Philadelphia, while a majority of the New York delegates had walked out to protest the establishment of a strong central government. Some of the most vocal participants in the convention, including Elbridge Gerry, Edmund Randolph, and George Mason, refused to sign the document because of their opposition to specific provisions.

Even among the delegates who signed the constitution, no one was entirely happy with the document. Benjamin Franklin, the oldest delegate at the convention, conceded that he did not approve sections of the constitution. However, he told his fellow delegates at the last meeting of the convention that the final draft they were carrying with them back to their home states was needed to establish an effective national government.

> *I doubt, too, whether any other convention we can obtain may be able to make a better constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It astonished me to find this system approaching so near to perfection as it does. I consent to this Constitution because I expect no better and because I am not sure that it is not the best. The opinions I have had of its errors, I sacrifice to the public good.*
>
> *—Benjamin Franklin*

EXCERPTS FROM THE U.S. CONSTITUTION

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

Article I

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2.1 The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors [voters] in each state shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Section 2.3 Representatives and direct taxes shall be apportioned among the several states...according to their respective numbers [populations], which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

Section 3.1 The Senate of the United States shall be composed of two senators from each state chosen by the legislature thereof, for six years; and each senator shall have one vote.

Section 4.1 The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof.

Section 7.2 Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it....If after such reconsideration two thirds of that House shall agree to pass it, it shall be sent, together with the [President's] objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law.

Section 8. The Congress shall have the power

1) To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States...

2) To borrow money on the credit of the United States;

3) To regulate commerce with foreign nations, and among the several states...

5) To coin money, regulate the value thereof...

9) To constitute tribunals [courts] inferior to the Supreme Court;

11) To declare war...

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18) To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States...

Section 9.1 The migration or importation of such persons [slaves] as any of the states now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808...

Section 9.4 No capitation [tax on individuals], or other direct, tax shall be laid unless in proportion to the census or enumeration...

Section 10.1 No state shall...coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts.

Article II

Section 1.1 The executive power shall be vested in a President of the United States. He shall hold his office during the term of four years.

Section 1.2 Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in Congress....The electors shall meet in their respective states, and vote by ballot for two persons....The person having the greatest number of votes [if a majority] shall be the President...

Section 2.1 The President shall be the commander in chief of the army and navy of the United States...

Section 2.2 He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur...

Article III

Section 1 The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may establish...

Section 2.1 The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties...to controversies to which the United States shall be a party...between a State and citizens of another state...between citizens of different states.

Article IV

Section 1 Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state...

Section 2.1 The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states...

Section 3.1 New states may be admitted by the Congress into this Union...

Section 4 The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion and...against domestic violence.

Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments; which in either case, shall be valid as part of this Constitution when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof.

Article VI

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be valid against the United States...

2. This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made under the authority of the United States shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding...

Article VII

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

The Great Debate: Ratifying the Constitution of 1787

Eleven days after the Philadelphia convention ended, Congress recommended that the final draft of the constitution be submitted to the thirteen states. Although the convention delegates had gone well beyond the scope of their instructions, no objections to their proposal were raised in Congress.

Congress also approved the controversial procedure suggested by the convention for ratifying the constitution. According to the Articles of Confederation, the individual state legislatures should have voted on the constitution. The convention delegates, however, called on each state legislature to assemble a state convention for the purpose of adopting or rejecting the constitution. The method for selecting the delegates was to be decided by the states.

Several states reacted quickly, organizing state conventions and approving the draft constitution with little debate. The Delaware convention unanimously accepted the constitution on December 6, 1787. A few days later, supporters of the constitution in Pennsylvania rushed the document through the ratification process before their opponents could present their case. Within a month, New Jersey, Georgia, and Connecticut also approved the constitution.

By early 1788, however, fierce debates on ratification were already underway in the states of New York, Massachusetts, and Virginia. Four central issues stood out.

- Were the security and prosperity of the United States threatened by the shortcomings of the Articles of Confederation?
- Were the delegates to the Philadelphia convention justified in drafting a new constitution, rather than following their instructions to revise the Articles of Confederation?
- Did the powers granted to the national government under the proposed constitution pose a threat to individual liberty and the rights of the states?
- Should amendments guaranteeing individual rights be added to the constitution to prevent the abuse of power by the national government?

In theory, the constitution could take effect with the approval of nine of the thirteen states. In fact, rejection of the document by a major state would force a new round of negotiations, and might very well sink attempts to form a stronger national government.

The Philadelphia convention had conducted its deliberations in secret. Nonetheless, the public quickly entered the ratification debate. Opinions on both sides of the issue were expressed with conviction.

Supporters of the constitution viewed the document as a means for rescuing the country from the shortcomings of the Articles of Confederation. They contended that the constitution was certain to win the backing of virtually all of America's most prominent citizens. Opponents, however, found much to criticize. They saw in the constitution a threat to their liberties and an attempt to create a dominant aristocracy in American society.

> *These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of the Constitution, and get all the power and all the money into their own hands, and then they will swallow up all of us little folks, like the great whale.*
>
> *—Opponent of the draft constitution*

The ratification debate hardened the political divisions in American society. The Federalists, who had been behind the drive to draft a new constitution, now faced a well-defined opposition, known as the "Anti-Federalists."

The Anti-Federalists were in fact supporters of confederation, or even a loose form of federalism. The Federalists were best described as "nationalists" because they favored a strong national government.

The Federalists and Anti-Federalists engaged in a war of words in America's newspapers. Not since the months just before the outbreak of the War for Independence had the level of intensity reached such heights. As the ratification battle raged in the early months of 1788, three distinct positions emerged.

OPTIONS IN BRIEF

OPTION 1 — UNITE AROUND THE CONSTITUTION

Our nation is on the brink of anarchy. Our current plight has been brought upon us by the Articles of Confederation and the pettiness of the states. If we want to save our nation, we must immediately adopt the constitution that was drafted in Philadelphia. The national government proposed in the constitution will have the authority to act on behalf of all of our citizens. Our opponents are trying to frighten the public with groundless fears. But look seriously at what is being proposed. The constitution puts forth a structure in which our nation will be governed by leaders of wisdom, experience, justice, and virtue. The record of so-called "democracy" in several states has proven the logic of this approach. We learned twelve years ago that we had to join together or perish. Today, we must follow the same path if we are to fulfill the destiny that Divine Providence has laid out for us.

OPTION 2 — CLEARLY DEFINE INDIVIDUAL RIGHTS

Beware the Federalist constitution! The document that is being forced on the country is dangerously flawed. Let us step back and weigh the present situation. There is no crisis that demands an immediate response. We must calmly and deliberately go about revising the constitution to establish a solid foundation for forming a more perfect union. We must carefully define and limit the authority we grant our government. We must add to the constitution a bill of rights guaranteeing the rights and liberties of America's citizens. We should not take anything for granted. Even governments established in the name of liberty have been known to infringe on the liberties of the citizenry. With so much in doubt, we must not act in haste. The noble experiment we are carrying out on these shores demands that we strive for perfection.

OPTION 3 — TRUST IN THE COMMON CITIZEN

Free citizens — defend your rights! The self-anointed aristocracy that gathered in Philadelphia last summer has devised a scheme to deprive Americans of their liberties. Are we to trade the liberty cap of the free citizen for the yoke of the serf? Never! The Federalists have whipped up fears of chaos to win support for their constitution. In fact, they are concerned mainly with protecting their wealth and investments. The strong national government suggested by the Philadelphia convention would allow only a handful of wealthy men to participate in the affairs of the republic. Our political system must be grounded in the common citizen — not a privileged elite. The states are the proper defenders of the republican form of government. We must remember always that the only source of legitimate authority is the citizenry. We must not give away the rights we shed blood to gain.

Option 1

UNITE AROUND THE CONSTITUTION

Our nation is on the brink of anarchy. At home, the threat of rebellion and revolt hangs over us, while commerce is hamstrung by the tangle of laws and taxes imposed by the states. On our borders, foreign powers occupy our territory with little regard for our claims. In the capitals of Europe, we are mocked for our weakness and inability to pay our debts.

Our current plight has been brought upon us by the Articles of Confederation and the pettiness of the states. Fortunately, we finally have before us the means to escape from our current predicament. If we want to save our nation, we must immediately adopt the constitution that was drafted in Philadelphia.

The states have proven that they are incapable of promoting our national well-being. They have been unwilling to provide the national government the money necessary to pay America's debts and carry out the functions required of a nation. Seized by the popular forces of democracy, several have flooded their economies with worthless paper money, passed laws preventing creditors from collecting their debts, and thwarted commerce from neighboring states.

The national government proposed in the constitution will have the authority to act on behalf of all of our citizens. The president will see that America's laws are enforced fairly and consistently. The Supreme Court will ensure that the constitution becomes the standard by which the laws of the states are judged. The Congress will take measures to address the nation's problems and end the feuding among the states.

Of course, there are doubters. Some say that the United States is too large to be governed as a single state. To them we respond that the size of our republic will be turned to our advantage. In a nation so large and diverse, no region or narrow interest group will be able to dominate the national government and act contrary to the public good. The constitution's division of power among the three components of the national government will also protect our freedoms and liberties. The executive, judicial, and legislative branches each have the authority to check the abuses and excesses of the others.

Our opponents are trying to frighten the public with groundless fears. They claim that the state governments will be abolished. In fact, the constitution grants the states and the citizenry all of the powers not specifically assigned to the national government. They argue that the national government will take away the natural rights of life, liberty, and property. On the contrary, the very preamble of the constitution emphasizes the importance of individual rights.

Finally, they cry "aristocracy!" But look seriously at what is being proposed. The constitution puts forth a structure in which our nation will be governed by leaders of wisdom, experience, justice, and virtue. Elected officials in the executive and legislative branches will serve for limited terms, and may be voted out of office. The record of so-called "democracy" in several states has proven the logic of this approach. The constitution makes way for men of high standing to take their rightful place in government.

The men who gathered in Philadelphia know what is best for the nation. They spent long hours deliberating the same issues that are now being raised. Rather than attack their motives, we should be privileged to trust in their judgment. How many young states have had the benefit of a George Washington to guide them through their early years? Ancient Rome would have been blessed to have such patriots. Do you imagine that they would somehow betray the best interests of our country?

We learned twelve years ago that we had to join together or perish. Today, we must follow the same path if we are to fulfill the destiny that Divine Providence has laid out for us. If we are to create a more perfect union, we must ratify the new constitution.

FROM THE RECORD

Newspaper essay by John Jay, New York lawyer:

"It would be more to the interest of the people of America that they should be one nation, under one federal government than that they should divide themselves into separate confederacies and give to the head of each the same kinds of powers which they are advised to place in one national government.

"Independent America was not composed of detached and distant territories, but of one connected, fertile, wide spreading country. Providence has been pleased to give this one connected country to one united people, a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels of arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence.

"The convention was composed of men highly distinguished by their patriotism, virtue and wisdom. They passed many months in cool uninterrupted and daily consultations; and finally, without having been awed by power, or influenced by any passions except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous counsels."

Newspaper essay by Alexander Hamilton, New York lawyer:

"If these states should be either wholly disunited or only united in partial confederacies, the subdivisions will have frequent and violent contests with each other. The causes of hostility are numerous. Some take their origin entirely in private passions and interests. If Shays had not been a desperate debtor it is much to be doubted whether Massachusetts would have been plunged into a civil war. The genius of a republic is pacific [peaceful]; the spirit of commerce has a tendency to soften the manners of men and to extinguish those inflammable humours which have so often kindled into wars. A firm Union will be of the utmost moment to the peace and liberty of the states as a barrier against domestic faction and insurrection...

"We have reached almost the last stage of national humiliation. There is scarcely any thing that can wound the pride, or degrade the character of an independent nation which we do not experience. Do we owe debts to foreigners and to our own citizens? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which by express stipulations ought long since to have been surrendered? We have neither troops, nor treasury, nor government....The price of improved land in most parts of the country is much lower than can be accounted for by the market and can only be fully explained by that want [lack] of private and public confidence [in the government and economy].

"We must extend the authority of the union to the persons of the citizens — the only proper objects of government. Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint....We cannot expect that the persons entrusted with the administration of the [states] will execute the resolutions or degrees of the general authority. The reverse of this results from the constitution of human nature."

Newspaper essay by James Madison, Virginia landowner:

"Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction [interest groups]. The instability, injustice and confusion introduced into the public councils have been the mortal diseases under which popular [democratic] governments have everywhere perished. Our [state] governments are too unstable, the public good is disregarded in the conflicts of rival parties, and measures are too often decided, not according to the rules of justice, and the rights of the minority party, but by the superior force of an interested and over-bearing majority.

"The latent cause of faction are sown in the nature of man. The most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society.

"The cause of faction cannot be removed; and relief is only to be sought in the means of controlling its effects. The two great points of difference between a Democracy and a Republic are, first, the delegation of the government, in the latter to a small number of citizens elected by the rest: secondly, the greater number of citizens and greater sphere of country, over which the latter may be extended...

"Extend the sphere [territory] and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens...

"Wherever the real power in government lies, there is the danger of oppression. In our [state] governments the real power lies in the majority of the community, and the invasion of private rights is chiefly, not from acts of government contrary to the sense of its citizens, but from acts in which government is the mere instrument of the majority of citizens."

BELIEFS AND ASSUMPTIONS UNDERLYING OPTION 1

1. Men of wisdom, virtue, and experience should be responsible for guiding our young republic.
2. Governments controlled by the popular forces of democracy eventually slide into anarchy and civil war. Many of the states currently controlled by popular factions have already taken the first steps toward self-destruction.
3. Divine Providence has intended that our people — bound by language, custom, religion, geography, and values — form a strong, unified nation.
4. The central government should assume the powers necessary to effectively govern national affairs, leaving the remaining responsibilities in the hands of the states.

SUPPORTING ARGUMENTS FOR OPTION 1

1. Establishing a strong, central government will advance our foreign relations, allowing our nation to pay its debts, protect its citizens, and enforce the treaties America has signed with foreign countries.
2. The large, well-structured republic that has been proposed will block selfish interests from turning government to their own advantage at the expense of the common good.
3. A strong, central government will settle disputes among the states and prevent local uprisings, such as Shays' Rebellion, from erupting.
4. Checks and balances among the legislative, executive, and judicial branches of government will ensure that no individual or institution threatens the liberties of our citizens.

Option 2

CLEARLY DEFINE INDIVIDUAL RIGHTS

Beware the Federalist constitution! The document that is being forced on the country is dangerously flawed. Like peddlers of shabby merchandise, the Federalists are concealing the defects of their goods, exaggerating the benefits, and insisting that you act immediately. The American people have more sense than that.

Almost all of us recognize that there are serious shortcomings in the present system. Almost all of us are frustrated that one or two states have thwarted efforts to strengthen the national government under the Articles of Confederation. That was why Congress and all but one of the states took steps to convene the gathering in Philadelphia. However, those facts do not place the convention above criticism.

Indeed, the delegates were perhaps justified in going beyond their duties to draft a new constitution. The document they produced is certainly worthy of consideration. But do these men, distinguished as they may be, possess a monopoly on wisdom? Are we to accept their judgement without question, as if they speak with the voice of God? For a moment, let us step back and weigh the present situation. There is no crisis that demands an immediate response. We are not threatened with invasion. Yet we are told that we must rush to enact the proposed constitution. The best approach is quite the opposite. We must calmly and deliberately go about revising the constitution to establish a solid foundation for forming a more perfect union.

First, we must recognize that those who are given power over others frequently abuse it. This is human nature. Power tends to corrupt the soul. As citizens of these United States of America, we must carefully define and limit the authority we grant our government. In particular, we must guard against the dangers of placing a standing army in the hands of a powerful executive. From Caesar in ancient Rome to Cromwell in 17th century England, history contains many examples of military strongmen who have taken away the liberties of their people. We must learn from the misfortunes of the past. We cannot assume that our country's army will always be led by selfless patriots like George Washington.

Second, and most important, we must add to the constitution a bill of rights guaranteeing the rights and liberties of America's citizens. Only a few short years ago, we took up arms to defend our rights as Englishmen. The most far-sighted leaders of our state governments have insisted that bills of rights be inserted into their state constitutions. Should not these same rights be guaranteed in our national constitution? We should not take anything for granted. Even governments established in the name of liberty have been known to infringe on the liberties of the citizenry. The rights that we hold most dear — trial by a jury of our peers, freedom of worship, an unfettered press — must be clearly spelled out in our constitution.

The Federalists admit that amendments to the proposed constitution are needed. But they want you to first buy the goods and then address the problems. They argue that the document produced in Philadelphia is as fragile as a house of cards. Make one or two modifications, they warn, and the whole structure will come tumbling down. But consider the danger in their line of reasoning. The Federalists plan to establish a strong national government and then to immediately ask the officials at the head of our country to voluntarily reduce their powers. Should we expect such restraint from men in authority?

With so much in doubt, we must not act in haste. There is no more important task before the American people than the framing of a constitution. We are a nation of laws, and our laws will derive their legitimacy from the wisdom of our constitution. We will most likely not undertake this project again in our lifetimes. Let us craft the document that will govern America with the utmost precision. The noble experiment we are carrying out on these shores demands that we strive for perfection.

FROM THE RECORD

Newspaper essay by "A Plebian," New York:

"The plan [proposed constitution] is defective. Some of the powers granted are dangerous; others not well defined. Amendments are necessary. Why then not amend it? Why not remove the cause of danger? The instrument is yet in the hands of the people; it is not signed, sealed, and delivered. The people have the power to give it any form they please. With regard to our public and national concerns, what is there in our condition that threatens us with any immediate danger? We are at peace with all the world."

Resolution of the Massachusetts Ratifying Convention:

"It is the opinion of this Convention that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of the Commonwealth, and more effectually guard against an undue administration of the federal government....That it be explicitly declared that all powers not expressly delegated by the aforesaid constitution are reserved to the several states, to be by them exercised....That no person shall be tried for any crime by which he may incur an infamous punishment, or loss of life, until he be first indicted by a grand jury."

Letter from Thomas Jefferson, Virginia landowner, to James Madison:

"I do not like the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion, against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury....A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference....I hope therefore a bill of rights will be formed to guard the peoples against the federal government, as they are already guarded against their state governments in most instances."

Pamphlet by Robert Whitehill, Pennsylvania landowner:

"It is the nature of power to seek its own increase, and thus the loss of liberty is the necessary consequence of a loose or extravagant delegation of authority. National freedom has been and will be the sacrifice of ambition and power; and it is our duty to employ the present opportunity in stipulating such restrictions as are best calculated to protect us from oppression and slavery....In entering into the social compact, men ought not to leave their rulers at large, but erect a permanent land mark by which they may learn the extent of their authority, and the people be able to discover the first encroachments on their liberties."

Newspaper essay by "Brutus," New York:

"Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged [reduced] their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government....The powers of the general [national] legislature extend to every case that is of the least importance — there is no thing valuable to human nature, nothing dear to freeman, but what is within its power.

"The common good, therefore, is the end [goal] of civil government....But it is not necessary for this purpose that individuals should relinquish all their natural rights. Some are of such a nature that they cannot be surrendered....Others are not necessary to be resigned in order to attain the end for which government is instituted. Rulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes, and to the injury and oppression of those over whom they are placed....The peoples in all countries where any sense of freedom remained have fixed barriers against the encroachments of their rulers. The country from which we have derived our origin [Britain] is an eminent example of this. Their Magna Charta and bill of rights have long been the boast, as well as the security, of that nation....This principle is a fundamental one in all the constitutions of our own states.

"For the security of life, in criminal prosecutions, the bills of rights of most of the states have declared that no man shall be held to answer for a crime until he is made fully acquainted with the charge brought against him; he shall not be compelled to accuse or furnish evidence against himself, the witness against him shall be brought face to face, and he shall be fully heard by himself or counsel. Are not provisions of this kind as necessary in the general government, as in that of a particular state?

"In the bills of rights of the states it is declared that a well regulated militia is the proper and natural defense of a free government — That as standing armies in time of peace are dangerous, they are not to be kept up, and that the military should be kept under strict subordination to, and controlled by the civil power. The same security is as necessary in this constitution and much more so; for the general government will have the sole power to raise and to pay armies.

BELIEFS AND ASSUMPTIONS UNDERLYING OPTION 2

1. Governments inevitably seek to increase their power at the expense of individual liberty.
2. Considering that these United States do not face an immediate crisis, we should move calmly and carefully to craft a constitution for our nation.
3. A bill of rights should be included in the national constitution to protect individuals from the power of a strong, central government.
4. A standing army under the control of a strong government poses a threat to individual liberty.

SUPPORTING ARGUMENTS FOR OPTION 2

1. Including specific rights — such as freedom of religion, trial by jury, and freedom of the press — in the national constitution will safeguard individual liberty.
2. Carefully balancing political power between the national government and the states will best protect the freedom and independence for which we have fought.
3. Building a strong consensus around the constitution through compromise will ensure the success of our new national government.
4. Clearly defining the limits of government power will prevent the rise of a military dictatorship.

Option 3

TRUST IN THE COMMON CITIZEN

Free citizens — defend your rights! For six years, we fought to throw off the tyranny of British rule. Now we face a new threat from within our borders. The self-anointed aristocracy that gathered in Philadelphia last summer has devised a scheme to deprive Americans of their liberties. They are telling us that the American people are incapable of self-government and that we must turn our public affairs over to the so-called "better classes." Is this the freedom for which we shed blood? Are we to trade the liberty cap of the free citizen for the yoke of the serf? Never!

Look closely at the small circle of conspirators that assembled in Philadelphia. It is made up almost exclusively of rich merchants, investors, and lawyers. These were not the men who stood bravely at the Concord Bridge and Valley Forge. Few can plow a straight furrow or hold up hands calloused from honest work. And yet, these same men want us to bow to them as if they were Roman patricians.

The Federalists have whipped up fears of chaos to win support for their constitution. In fact, they are concerned mainly with protecting their wealth and investments. The crises that they have manufactured are no more than the inevitable birth pangs of our new nation. The proposed constitution is hardly the answer to our problems. The strong national government suggested by the Philadelphia convention would allow only a handful of wealthy men to participate in the affairs of the republic. Who else would be able to travel 700 miles to serve in Congress or seek justice in the national court?

Our political system must be grounded in the common citizen — not a privileged elite. There is no better guarantee of liberty than a republic founded on the good judgment of independent small farmers. Political power must be widely dispersed to give the greatest number of our citizens an opportunity to participate in government. None of us is more than a few days journey away from our state capitals, even in Virginia and Georgia. The states are the proper defenders of the republican form of government.

In contrast to the state governments, there is little room in the proposed constitution for the common man to express his views. At every turn, the popular voice of democracy is stifled. Only the representatives in the lower house would be chosen by the citizens at large. In the Senate, small states would be equal to large states in voting power. The plantation owners of the southern states have even insisted that their slaves be taken into account in determining representation.

Of particular danger is the clause which grants Congress the power "to make all laws which shall be necessary and proper" to fulfill its role. This is a blank check that the American people are expected to blindly sign. The delegates to the Philadelphia convention are asking us to turn over the rights that inspired our struggle for independence. Perhaps they should have reread the Declaration of Independence before drafting their constitution.

What our would-be aristocrats in fact have in mind is a return to the Old World. Under the proposed constitution, the president would conspire with the Senate to secure his re-election and rule with the authority of a king. Together, they would exercise their treaty-making power to impose their will on the entire nation. The national government would grow rich on taxes, while the state legislatures would be starved of revenue. Should any of the states raise a cry of protest, the president would be quick to order a professional standing army to punish his critics. A military tyranny would be just over the horizon.

Our patriots did not give their lives to create such a government. On the contrary, the proposed constitution is a slap in the face to the cause of liberty. We must remember always that the only source of legitimate authority is the citizenry. We must not give away the rights we shed blood to gain.

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FROM THE RECORD

Newspaper essay by "Philadelphiensis," Pennsylvania:

"The president general will be king to all intents and purposes [under the proposed constitution], and one of the most dangerous kind....He is vested with powers exceeding those of the most despotic monarch we know of in modern times. What a handsome return have these men made to the people of America for their confidence. Through the misconduct of these bold conspirators we have lost the most glorious opportunity that any country ever had to establish a free system of government. America under one purely democratic rule would be rendered the happiest and most powerful in the universe, but under the proposed one, composed of an elective king and a standing army, officers by his sycophants, the starvelings of Cincinnati, and an aristocratic Congress of the well born, an iota of happiness, freedom, or national strength cannot exist."

Letter from Thomas Jefferson, Virginia landowner, to James Madison:

"The president seems a bad edition of a Polish king. He may be reelected from four years to four years for life. Reason and experience prove to us that a chief magistrate, so continuable, is an officer for life. I wish that at the end of the four years they had made him [the president] ineligible a second time."

Newspaper essay by Elbridge Gerry, Massachusetts merchant:

"The constitution proposed has few, if any federal features, but is rather a system of national government....However respectable the members may be who signed the Constitution, it must be admitted that a free people are the proper guardians of their rights and liberties — that the greatest men may err and that their errors are sometimes of the greatest magnitude."

Newspaper essay by George Mason, Virginia landowner:

"The Senate with its great powers will destroy any balance in the government and enable them to accomplish what usurpations they please upon the rights and liberties of the people....The judiciary is so constructed and extended as to absorb and destroy the judiciaries of the several states; thereby rendering law as tedious, intricate and expensive, and justice as unattainable, by a great part of the community, as in England, and enabling the rich to oppress and ruin the poor...

"By declaring all treaties supreme laws of the land, the Executive and the Senate have in many cases, an exclusive power of legislation....By requiring only a majority to make all commercial and navigation laws, the five southern states (whose produce and circumstances are totally different from that of the eight Northern and Eastern states) will be ruined....This government will commence in a moderate Aristocracy; it is at present impossible to foresee whether it will produce a monarchy or a corrupt oppressive Aristocracy."

Newspaper essay by Richard Henry Lee, Virginia landowner:

"It must be admitted that our federal system [Articles of Confederation] is defective, and that some of the state governments are not well administered. But we attribute to the defects in our government many evils and embarrassments which are most clearly the result of the late war...

"It is the opinions of many great authors that a free elective government cannot be extended over large territories. One national government and general legislature alone can never extend equal benefits to all parts of the United States. Different laws, customs, and opinions exist in the different states....It would be impossible to collect a representation of the parts of the country five, six, and seven hundred miles from the seat of government.

"The people of this country, in one sense, may all be democratic; but if we make the proper distinction between the few men of wealth and abilities, and consider them as the natural aristocracy of the country, and the great body of the people, the middle and lower classes, as the democracy in it, this federal representative branch [Congress] will have but very little democracy in it.

"When [and if] the people shall adopt the proposed constitution, it will be their last and supreme act. Whenever this constitution or any part of it shall be incompatible with the ancient customs, rights, the laws, or the state constitutions heretofore established in the United States, it will entirely abolish them and do them away....Once power is transferred from the many to the few, all changes become extremely difficult; the government in this case being beneficial to the few, they will be exceedingly clever and adroit in preventing any measures which may lead to a change; and nothing will produce it, but great exertions and severe struggles on the part of the common people."

Newspaper essay by "Brutus," New York:

"The legislature of the United States are vested with the great and uncontrollable powers of laying and collecting taxes, regulating trade, instituting courts...and other general powers. And are by this clause invested with the power of making all laws, proper and necessary, for carrying all these into execution. They may so exercise this power as entirely to annihilate all the state governments."

BELIEFS AND ASSUMPTIONS UNDERLYING OPTION 3

1. Concentrated power inevitably attracts men hungry for power. The political foundation of our republic must rest on the good sense of the common citizen.
2. The hardships that presently afflict many of us are related to the War for Independence, not the Articles of Confederation.
3. The territory of these United States is much too large and its people too diverse for a republican form of government to operate fairly and effectively.
4. Maintaining a balance of political power between a strong, central government and the states is impossible. Eventually, the national government would deprive the states of their sources of revenue and authority.

SUPPORTING ARGUMENTS FOR OPTION 3

1. Protecting the power of state governments will thwart the ambitions of those seeking to impose a monarchy or an aristocracy on our nation.
2. A loose confederation will allow each state to develop along its chosen path and avoid regional conflicts on divisive issues, such as slavery and trade.
3. Dividing political authority among the states will ensure that the common citizen has greater access to power and will be more likely to participate in government.
4. Building our political system around the common citizen will elevate the character and virtue of those in whom we place our trust.

Part VI: Two Hundred Years of Constitutional Change

The organization, wealth, and persuasiveness of the Federalists ultimately enabled them to win ratification for the constitution.

The Federalists directed an effective campaign to gain the support of the American public. Their message was conveyed mostly through newspapers and pamphlets. The most famous example of Federalist writing consisted of eighty-five essays aimed at voters in New York, a key state in the ratification contest. Today known as *The Federalist Papers,* the articles were written by Alexander Hamilton, James Madison, and John Jay under the pen name "Publius."

The Federalist Papers carefully explained the features of the proposed Constitution and responded forcefully to the many objections that had been raised. The Anti-Federalists, while initially outnumbering the Federalists, lacked the unity and financial resources of their opponents.

THE ROCKY ROAD TO RATIFICATION

Delaware was the first state to ratify the proposed constitution. On December 7, 1787, Delaware's convention unanimously approved the document. Pennsylvania's convention followed five days later with a 46-23 vote in favor of ratification. The lopsided margin in Pennsylvania concealed a bitter fight. The Federalists, who controlled the state legislature, called for quick elections to choose the delegates to the state ratifying convention.

The Anti-Federalists protested by walking out of the legislature, thus bringing the assembly to a halt because of the lack of a quorum. A Federalist mob dragged two of the absent members into the legislature to achieve a quorum, and a vote was immediately held to allow elections to go forward. Federalist delegates, backed by well-organized campaigns, won a solid majority of the seats to the ratifying convention.

Over the next month, the Federalist cause gained momentum. New Jersey ratified the proposed constitution unanimously on December 18. Two weeks later, Georgia gave its unanimous approval. Connecticut voted for ratification 128 to 40 on January 9, 1788.

The Massachusetts compromise

In Massachusetts, however, the Federalists ran into a roadblock. Anti-Federalist forces held a majority in the Massachusetts ratifying convention that convened in early January 1788. After four weeks of intense debate, a compromise was struck. Several amendments to the proposed constitution were adopted that addressed the primary objections of the Anti-Federalists. Even with the addition of the amendments, the constitution was ratified by a slim margin — 187 to 168.

As in other states, Massachusetts delegates were sharply divided along geographic lines. Delegates from the eastern part of the state, where merchants, lawyers, and investors dominated politics, voted for ratification 111 to 31. In contrast, delegates from central and western Massachusetts — home to most of the small farmers who supported Shays' Rebellion — rejected the constitution by a 76-137 margin.

The proposed constitution enjoyed a warmer reception in Maryland and South Carolina. On April 28, 1788, the Maryland convention voted for ratification 63 to 11. In South Carolina, the constitution passed by a 149-73 vote on May 23.

When the New Hampshire convention met in February 1788, the Anti-Federalists held a clear majority. However, a small group of them joined with the Federalists to support a resolution to postpone the convention for four months. During the period of adjournment, the Federalists mounted an energetic campaign to win over public opinion. When the convention reconvened, many of the delegates had shifted their positions. On June 21, the proposed constitution passed by a 57-47 margin.

Virginia and New York grant approval

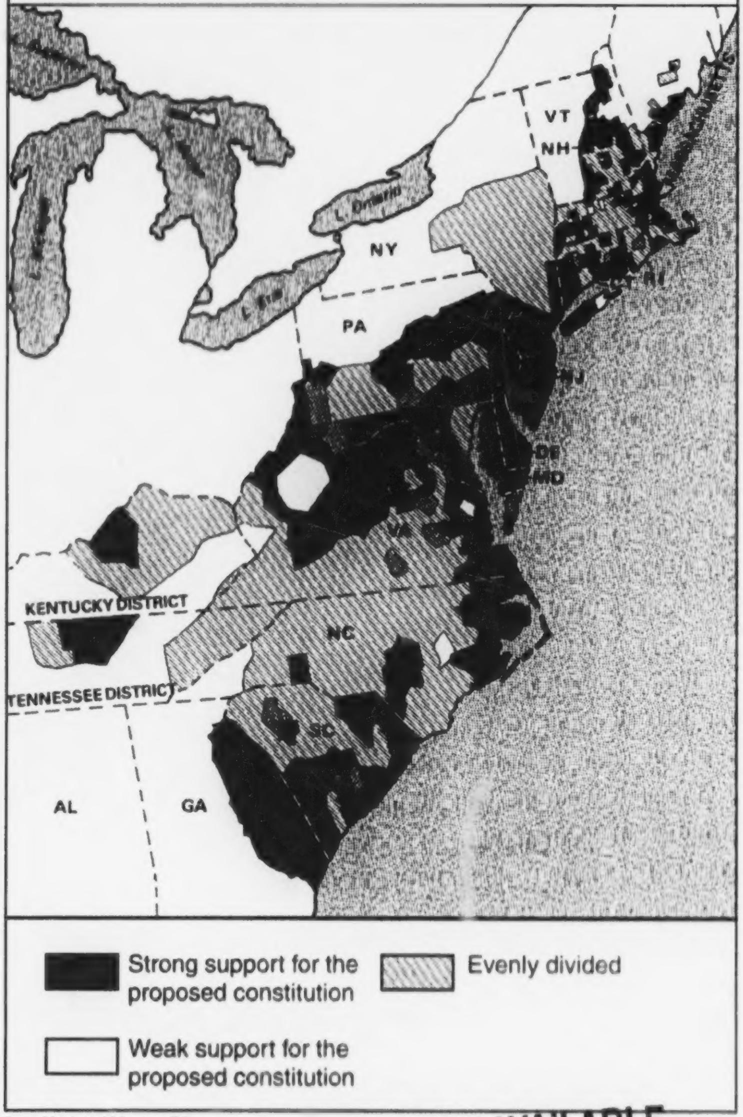
New Hampshire was the ninth state to approve ratification, technically putting the constitution into effect. However, the large states of Virginia and New York had yet to cast their votes. In both states, the prospects for ratification were uncertain.

In Virginia, opposition to the proposed constitution was led by some of the young republic's most prominent public figures, including George Mason, Richard Henry Lee, and Patrick Henry. They faced James Madison, an author of *The Federalist Papers*. Ultimately, however, the active involvement of George Washington in the Federalist cause tipped the balance in favor of ratification.

Virginia voted 89 to 79 in favor of ratification on June 25, 1788. As was the case in several states, the state's easterners strongly supported the constitution, while most delegates from the western frontier rejected it. The Virginia convention also joined Massachusetts, South Carolina, and New Hampshire in proposing a series of amendments to the constitution.

As in Virginia, the Anti-Federalists in New York were likewise well-positioned. Governor George Clinton had opposed the idea of a new constitution from the outset. Moreover, two of New York's three delegates to the Philadelphia convention had walked out once the gathering went beyond its instructions to revise the Articles of Confederation.

Ratification of the Constitution



From Historical Maps on File

When the New York convention met in June 1788, the Anti-Federalists claimed a two-thirds majority. They adopted a lengthy list of amendments to the proposed constitution (actually longer than the constitution itself) and voted to call a second constitutional convention among the thirteen states. The Federalists countered by promoting their case in local newspapers and eventually chipped away at the opposition to the constitution. When the vote was held July 26, 1788, the constitution was ratified, 30 to 27, with the list of amendments attached.

Rhode Island and North Carolina were the final holdouts. Neither state ratified the constitution until the new national government began functioning. Although Anti-Federalists held a clear majority in both states, they recognized the futility of blocking ratification. In November 1789, North Carolina voted for ratification, 194 to 77. In Rhode Island, the constitution was approved, 34 to 32, in May 1790.

In the country as a whole, support for the Federalist cause remained weak even after the constitution took effect. In the end, the new national government gained legitimacy among the American public because of its effectiveness in dealing with the problems that had arisen under the Articles of Confederation. George Washington's election to the presidency by the electoral college in 1789 elevated the prestige of the national government. No

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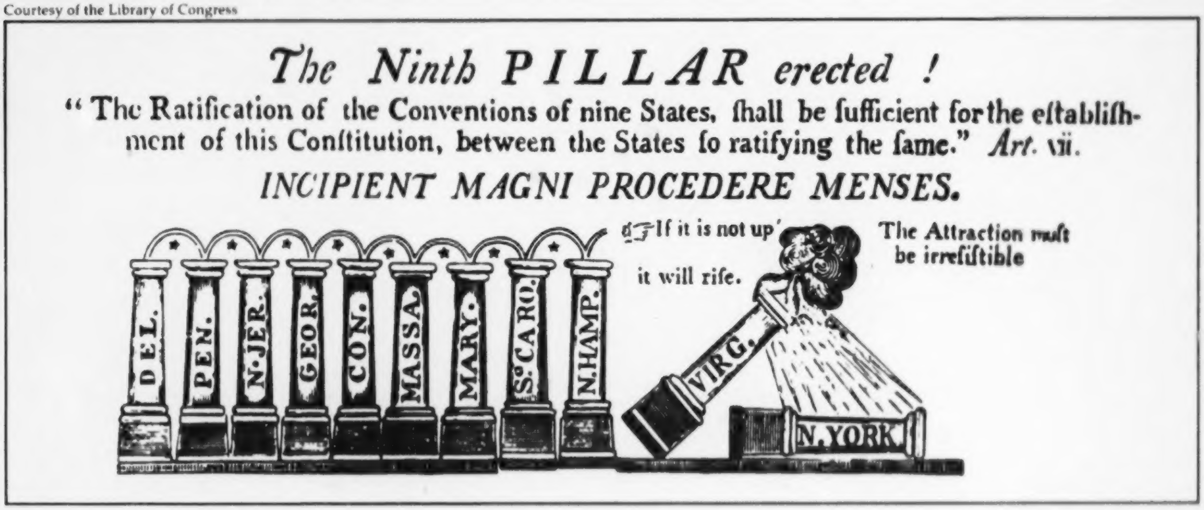
Courtesy of the Library of Congress


The Ninth PILLAR erected !
" The Ratification of the Conventions of nine States, ſhall be ſufficient for the eſtabliſhment of this Conſtitution, between the States ſo ratifying the ſame." Art. vii.
INCIPIENT MAGNI PROCEDERE MENSES.
If it is not up, it will riſe.
The Attraction muſt be irreſiſtible
DEL.
PEN.
N·JER.
GEOR.
CON.
MASSA.
MARY.
Sº CARO.
N.HAMP.
VIRG.
N.YORK

A cartoonist's view of the ratification process, published in June 1788. Note that the artist expects Virginia to vote for ratification.

individual was more important to the constitution's success. Washington's leadership would prompt later generations of historians to call him the "indispensable man" and the "father of his country."

The Constitution in Motion

The constitution of today is very different from the document that was ratified in 1788. The differences, however, have less to do with revisions in the text than with shifts in interpreting the constitution's meaning. The concrete changes can be found in the constitutional amendments — the first ten of which are known as the Bill of Rights. More important has been the impact of the Civil War and Supreme Court decisions in reshaping the constitutional system.

Attaching the Bill of Rights

When the first Congress elected under the new constitution convened in April 1789, one of the first items of business was the consideration of amendments. The ratifying conventions of several states, including Virginia, Massachusetts, and New York, had proposed that specific amendments be attached to the constitution. Most of the suggested amendments fell into two categories. One group focused on altering the structure of the new national government. The others were designed to protect individual rights not mentioned in the new constitution.

Ironically, the movement to develop a national bill of rights was spearheaded in Congress by James Madison. At the Philadelphia convention, Madison had vigorously opposed the addition of a bill of rights. In *The Federalist Papers,* he had argued that such guarantees were not necessary. At the Virginia ratifying convention, however, Madison realized that the absence of a bill of rights was undermining support for the constitution. Meanwhile, Thomas Jefferson was writing Madison from Paris to urge him to accept the need for clearly defining the rights of America's citizens.

In June 1789, Congressmen Madison introduced twelve amendments that addressed both individual rights and structural changes in government. Madison was able to draw from a wide range of amendments generated by the state ratifying conventions. The Massachusetts convention, for example, put forth an amendment that set clear limitations on the national government. The proposal reflected the chief concern of the Anti-Federalists regarding governmental structure.

> *That it be explicitly declared that all powers not expressly delegated by the aforesaid Constitution are reserved to the several states, to be by them exercised.*
>
> *—Massachusetts ratifying convention*

THE BILL OF RIGHTS APPROVED BY CONGRESS IN 1789

Amendment (not ratified)
After the first enumeration [census] required by the first article of the Constitution, there shall be one Representative for every thirty thousand persons, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Amendment (not ratified until 1992)
No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

Amendment One (ratified)
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment Two (ratified)
A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed.

Amendment Three (ratified)
No Soldier shall, in time of peace be quartered in any house without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment Four (ratified)
The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment Five (ratified)
No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment Six (ratified)
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment Seven (ratified)
In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment Eight (ratified)
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Amendment Nine (ratified)
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment Ten (ratified)
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

An amendment crafted by Madison adopted the language of the Massachusetts convention, but dropped the word "expressly." Madison felt that including "expressly" would allow Anti-Federalists to place tight restrictions on the power of the national government.

Madison's amendments were further modified in Congress. The Senate refused to accept an amendment protecting individual rights from violations by the states. The other significant revision was Congress' decision to remove a preamble which summarized the introduction to the Declaration of Independence.

> *All power is originally vested in, and consequently derived from the people. That government is instituted, and ought to be exercised for the benefit of the people; which consists in the enjoyment of life and liberty, with the right of acquiring and using property, and generally of pursuing and obtaining happiness and safety. That the people have an indubitable, unalienable, and indefeasible right to reform or change their government, whenever it be found adverse or inadequate to the purposes of its institution.*
>
> *—James Madison, proposed preamble to the Bill of Rights*

The House of Representatives and the Senate approved Madison's twelve amendments by the necessary two-thirds majority and in September 1789 sent them to the states for ratification. By December 1791, all but the first two amendments had been ratified by the required three-quarters majority — eleven states — and the Bill of Rights went into effect. (The three remaining states — Massachusetts, Connecticut, and Georgia — did not ratify the Bill of Rights until 1939.)

Failed amendments

During the more than 200 years since the Bill of Rights was adopted, only seventeen new amendments have been added to the constitution. (In fact, the number of lasting changes has been fifteen. The 18th amendment, which outlawed the manufacture and sale of liquor, and the 21st amendment, which repealed the 18th amendment, cancelled each other out.) The most recent revision was made in 1992, when the second amendment proposed by Madison was finally ratified. The 27th amendment prohibits a law changing the salaries of Congressional representatives from taking effect until after the next Congressional elections.

Six amendments have been passed by the required two-thirds majority in Congress only to fail to be ratified by three-quarters of the states. The first failed amendment was part of the original package of twelve submitted to the states in 1789. It would have changed the formula determining representation in the House of Representatives.

The other five amendments that did not clear the ratification hurdle give us an insight into the political controversies of our nation's past. In 1810, the states rejected an amendment put forward by Congress that would have stripped Americans of their citizenship for accepting an honor or title from a foreign monarch.

For the next five decades, no additional amendments were approved by Congress. On the eve of the Civil War, however, Congress made a last attempt to head off conflict between the North and the South. The amendment passed in early 1861 would have barred the national, or federal, government from abolishing slavery at the state level.

The outbreak of the Civil War blocked consideration of the amendment. After the fighting ended, a new 13th amendment was passed by Congress. Ratified in December 1865, the 13th amendment that entered the constitution abolished slavery.

Concern about the impact of the Industrial Revolution on America's children drove Congress to approve an amendment in 1924 that gave the federal government the authority to regulate child labor. Ratification of the amendment stalled well short of adoption. Nonetheless, labor organizers continued to press for action and eventually achieved most of their goals through Congressional legislation.

One of America's fiercest debates on constitutional issues was sparked by Congress' approval in 1972 of the Equal Rights Amendment (ERA). The ERA would have made equality between the sexes a constitutional right. Although Congress extended the deadline for ratification from seven years to ten years, *If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.*

—Proposed 13th amendment (1810)

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state.

—Proposed 13th amendment (1861)

Congress shall have the power to limit, regulate, and prohibit the labor of persons under 18 years of age.

—Proposed 20th amendment, section 1 (1924)

Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

—Proposed 27th amendment, section 1 (1972)

For purposes of representation in the Congress, election of the President and Vice President, and Article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State..

—Proposed 27th amendment, section 1 (1978)

the ERA fell three states short of ratification. As in the case of the failed amendment on child labor, the aims of the ERA have been largely achieved through legislation on the federal and state levels. In practice, the proposed amendment has become part of the constitution.

Finally, in 1978 Congress approved an amendment which would have placed the District of Columbia on equal footing with the fifty states in terms of representation in Congress.

Today, movements to amend the constitution continue to be felt in Congress. In 1995, for example, an amendment that would have required the federal government to maintain a balanced budget missed approval by a handful of votes.

Compared to the constitutions of other nations, the U.S. Constitution stands out as a model of stability. It is the oldest written constitution still in effect and has undergone remarkably few changes by international standards. Since the adoption of the U.S. Constitution, France has been ruled under five distinct constitutions. In countries without a strong democratic tradition, constitutions are regularly suspended or radically altered.

The Civil War

Perhaps the most important constitutional question was settled neither by amendment nor by Supreme Court decision, but by the Civil War. From the perspective of today, we often view the Civil War as a struggle over slavery. In constitutional terms, however, states' rights was the crucial issue at hand.

The delegates of the state conventions that approved the constitution recognized that their states would have to give up some of their power of self-government. How much authority they retained, however, was not clearly defined.

Over the next seven decades, the issue of states' rights revolved largely around two questions. First, did the states have the right to "nullify," or reject, laws made by the national government that were judged to be unconstitutional? Second, did the states have the right to secede from the union?

Defenders of states' rights answered "yes" to both questions. Their philosophy was supported by the "compact theory of the constitution." The compact theory drew on the assertion by John Locke that the citizenry had the right to revolt against an unjust government. Locke's argument was central to the Declaration of Independence. On the opposite side of the issue were champions of the "contract theory of the constitution." They defined states' rights much more narrowly. The contract theory was grounded on the belief that in joining the union the states had forever given up the right to claim independence or to completely disregard the national government.

Secession is usually linked to the southern states of the Confederacy, but in fact the possibility was first seriously raised by leaders in New England during the War of 1812. Responding to the unpopularity of the conflict, delegates from the region debated the wisdom of secession at a convention in Connecticut in 1815. The end of the fighting eventually quieted talk of secession. Ultimately, the contract theory prevailed over the compact theory as a result of the Civil War. No widespread secession movement has since emerged.

Supreme Court decisions

The rulings of the Supreme Court have been another source of constitutional change. The Supreme Court does not have the authority to alter the text of the constitution. Rather, the nation's leading judges are engaged in reinterpreting the constitution's meaning in light of new circumstances and conditions.

In 1787, the framers of the constitution themselves recognized that the document they produced had not clearly settled many issues. Moreover, they could not have foreseen the challenges that would be posed by the technological advances, economic shifts, and other profound changes that our society has experienced.

With the case of *Marbury vs. Madison* in 1803, the Supreme Court clearly established its authority to rule on the constitutionality of laws and, in effect, to interpret the meaning of the constitution. The extent of the high court's power has been a subject of heated controversy. At one extreme are those who favor a strict, narrow "construction," or interpretation, of the constitution. They argue that the Supreme Court should be bound by what the framers of the constitution specifically intended in 1787. At the other extreme are those who support a broad, loose interpretation. They insist that the constitution is a living document that must change as the nation develops.

Until around 1950, most of the Supreme Court's pivotal rulings focused on defining the power of the federal government. At the center of many of the high court's decisions was the "necessary and proper" clause of Article I of the constitution. Known as the "elastic" clause, it allowed the federal government to pass laws in areas not specifically mentioned in the constitution. Beginning in 1819, the Supreme Court has generally interpreted the "necessary and proper" clause broadly. The federal government's efforts to establish a national banking system, impose a military draft, regulate the safety of consumer products, and extend its authority in many other sectors has been widely accepted by the judicial branch.

Since about 1950, the Supreme Court has increasingly turned its attention to issues of individual rights. Amendments one through six, eight, and fourteen were especially critical to the high court's rulings. Again, the Supreme Court has tended toward a broad interpretation of the constitution. Rather than dwelling on the philosophy of the framers, the justices have generally applied current values in deciding how the rights of individuals should be balanced against the interests of the larger society.

THROUGH A HISTORIAN'S EYES

Until the 20th century, American historians avoided a critical examination of the drafting and ratification of the constitution. The document itself was treated with much the same reverence as the Bible or other sacred writings. Historians gave similar praise to the men responsible for framing the constitution and leading the ratification campaign.

All of that changed in 1913 with the publication of *An Economic Interpretation of the Constitution of the United States* by Charles Beard. Earlier scholars had noted the economic factors connected to the development of the constitution. Beard, however, went much further. He saw economic interests as the main elements motivating the framers.

Beard looked primarily at the economic backgrounds of the framers. He found that many of them were leading creditors and had been active in trying to revise the Articles of Confederation to protect their financial interests. According to Beard, they lobbied Congress to call the Philadelphia convention of 1787 after their attempts to amend the articles had failed.

Beard put aside the notion that the framers had no personal interests at stake in 1787. On the contrary, Beard held that the framers were largely united in the conviction that the national government should take stronger measures to protect property rights and promptly repay its debts.

> *[The constitution] was an economic document drawn with superb skill by men whose property interests were immediately at stake; and as such it appealed directly and unerringly to identical interests in the country at large....The Constitution was not created by "the whole people' as the jurists have said...it was the work of a consolidated group whose interests knew no state boundaries and were truly national in their scope.*
>
> *—Charles Beard*

America's self-image

Beard's work stunned and shocked many of America's historians. The book was a direct challenge to over a century of scholarship. Moreover, it threatened the view Americans held of their past and their government. Within academic circles, supporters and critics of Beard soon appeared. *An Economic Interpretation of the Constitution of the United States* became the object of intense debate and scrutiny.

Later research in fact cast doubt on some of Beard's data. Historians offered new interpretations and rejected some of Beard's primary conclusions. Nonetheless, Beard's work has stood the test of time. Historians today studying the development of the constitution recognize the importance of the economic motives that Beard first explored.

Not surprisingly, the controversy surrounding *An Economic Interpretation of the Constitution of the United States* was not confined to the scholarly community. Beard's views influenced the larger public debate about the roots of our nation's political system and the strength of our democratic institutions.

Beard's work reminded Americans that history is very much part of the present. The framers of the constitution are in a sense our ancestors, and their story is our story. How their story is told affects how we see our nation's past and ourselves.

Chronology of America's Foundation — 1754-91

[illegible]754	
•Spring	Virginia militia troops under Major George Washington fail to dislodge the French from Fort Duquesne in western Pennsylvania.
•July	Benjamin Franklin proposes the "Albany Plan of Union" to coordinate policies of the colonies. Colonial legislatures reject the plan.
1755	
•July	British forces under General Edward Braddock are repulsed by French and Indian forces near Fort Duquesne.
1759	
•September	British forces capture the French fortress at Quebec. The French governor surrenders Quebec province to the British the following year.
1763	
•February	The Treaty of Paris ends the French and Indian War (known in Britain as the Seven Years War). Britain expels the French from Canada, while returning Guadeloupe and Martinique to France.
•May-November	Chief Pontiac leads an Indian uprising against British forts and colonial settlers in the Great Lakes region.
•October	King George III issues the Proclamation of 1763, barring colonial settlement west of the Appalachian Mountains.
1764	
•April	The Sugar Act is passed by Parliament to raise revenue from the colonies for maintaining Britain's North American empire.
•July	James Otis asserts that the colonies suffer from "taxation without representation" in his essay, *The Rights of the British Colonists Asserted and Proved.*
•August	Boston merchants agree to stop importing British goods.
1765	
•March	The Stamp Act and Quartering Act are passed by Parliament.
•March-October	Colonial legislatures approve resolutions to protest the Stamp Act. The "Sons of Liberty" is founded to promote colonial rights.
•October	The "Stamp Act Congress," meeting in New York, votes to send John Dickinson's *Declaration of Rights and Grievances* to King George III and Parliament.

• November	The Stamp Act takes effect, sparking defiance among colonists.
1766	
• March	Parliament agrees to repeal the Stamp Act and Sugar Act. Parliament passes the Declaratory Act, affirming its authority to make laws for the colonies.
1767	
• June	Parliament passes the "Townshend Duties," imposing new taxes on the colonies to raise revenue for administration.
• October	To protest the "Townshend Duties," colonial merchants again boycott British goods.
• November-December	John Dickinson publishes *Letters from a Farmer in Pennsylvania.*
1768	
• October	Two regiments of British troops are stationed in Boston to quell patriot protests in the city.
1770	
• March	British troops kill five colonial protesters in what comes to be known as the "Boston Massacre."
• April	Parliament repeals most of the "Townshend Duties." A small tax on tea is left in place.
• October	A British officer, defended by John Adams, is acquitted of charges relating to the "Boston Massacre."
1772	
• June-September	Britain announces plans to begin directly paying British officials in Massachusetts. Patriots form the "Committee of Correspondence," headed by James Otis, in response.
1773	
• May	Parliament passes the Tea Act, permitting the British East India Company to sell tea directly to the colonies.
• December	Patriots destroy the cargoes of British East India Company ships in what comes to be known as the "Boston Tea Party."
1774	
• March	Parliament passes the "Intolerable Acts" in response to patriot unrest in Massachusetts.
• September	The First Continental Congress meets in Philadelphia to develop a response to the "Intolerable Acts." The congress rejects Parliament's authority over the colonies.

1775

• February	Parliament declares Massachusetts to be in a state of rebellion.
• March	Patrick Henry calls for "liberty or death" in a speech in the Virginia legislature.
• April 19	British troops clash with colonial militia forces at Lexington and Concord.
• May	The Second Continental Congress meets in Philadelphia. George Washington is asked to lead a colonial army.
• June	British troops suffer more than 1,000 casualties in the battle at Bunker Hill.
• July	The Continental Congress adopts the "Olive Branch Petition" and the "Declaration of the Causes and Necessities of Taking Up Arms." Calls for independence are rejected.
• November	King George III declares that the colonies are in a state of rebellion.
• December	American efforts to overrun British forces in Canada are repulsed at Quebec.

1776

• January	Thomas Paine publishes *Common Sense*.
• March	British forces evacuate Boston.
• May	France loans money to the Continental Congress.
• June 11	The Continental Congress forms a committee to draft a call for independence.
• July 4	The Continental Congress approves the Declaration of Independence.
• September	British forces occupy New York City.
• December	General Washington captures a British camp at Trenton, New Jersey.

1777

• September	British forces capture Philadelphia, forcing the Continental Congress to flee.
• October	American forces defeat a 6,000-man British army at Saratoga, New York.
• November	The Continental Congress adopts the Articles of Confederation.
• December	France recognizes the independence of the United States and signs an alliance with the new nation the following month.

1778

• April-May	Captain John Paul Jones stages naval raids along the English coast.
• December	The British capture Savannah, Georgia, and begin tightening their control over the southern colonies.

1779

• June	Spain declares war against Britain.
• September	An American and French effort to retake Savannah fails.

1780

• Winter	American troops in New Jersey mutiny.
• May	The British take 5,400 American troops prisoner in capturing Charleston, South Carolina.
• October	American frontier troops overrun a loyalist outpost at King's Mountain, South Carolina. A string of American victories in the Carolinas follows.

1781

• August	French warships defeat the British navy off the Virginia coast, leaving the army of General Charles Cornwallis trapped on the Yorktown peninsula.
• October	Cornwallis surrenders his 7,500-man army at Yorktown. Britain abandons efforts to regain its American colonies.

1782

• November	A preliminary peace treaty is reached between Britain and America.

1783

• September	Britain and American sign the Treaty of Paris.
• November	British forces evacuate New York City. Seven thousand loyalists leave with them.

1784

• December	New York City is chosen as the temporary national capital.

1785

• August	Spain and the United States fail to reach agreement on the use of the Mississippi River.

1786

• February	Britain notifies the United States that it will not evacuate its forts in the Great Lakes region until the issue of pre-war debts is settled.

• September	Delegates to a convention in Annapolis call on Congress to convene a meeting of the states in the spring of 1787.
1787	
• May-September	Delegates from twelve states meet in Philadelphia and draft a new constitution.
• October	The first installment of *The Federalist Papers* appears as states prepare to consider the ratification of the proposed constitution.
1788	
• June	New Hampshire becomes the ninth state to ratify the proposed constitution. The constitution, at least in theory, takes effect.
• July	Virginia and New York ratify the constitution.
1789	
• January-February	Elections for the new Congress are held. George Washington is unanimously chosen to serve as the nation's first president.
• June	James Madison proposes twelve amendments protecting individual rights be added to the constitution.
• September	Congress approves the Bill of Rights and sends it to the states for ratification.
1791	
• December	The Bill of Rights becomes part of the Constitution.

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Publications List

The Choices for the 21st Century Education Project develops curricula for high schools and colleges on current foreign policy issues and offers workshops, institutes, and in-service programs for high school teachers. Course materials place special emphasis on the importance of educating students in their participatory role as citizens. All units incorporate the work of academics and policymakers from a range of perspectives and are classroom tested prior to publication. A new unit is published every three months during the academic year, and all units are updated regularly. For current information on new titles and revisions, call the Choices Education Project at (401) 863-3155 or visit the project on the World Wide Web at *http://www.brown.edu/Research/Choices/*.

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Teacher's
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CHOICES FOR THE 21st CENTURY

A More Perfect Union: Shaping American Government

ALTERNATIVES FOR PUBLIC DEBATE
AND POLICY DEVELOPMENT

A program of the Thomas J. Watson Jr
Institute for International Studies

Brown University, Box 1948, Providence, RI 02912

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A More Perfect Union: Shaping American Government is the fifth unit in a series that applies the Choices approach to critical junctures in history. The Choices Education Project also publishes an ongoing series on current foreign policy issues. All units in the *Choices for the 21st Century* series are updated regularly.

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for the 21st Century
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Thomas J. Biersteker
Director

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THE CHOICES FOR THE 21ST CENTURY EDUCATION PROJECT is a program of the Thomas J. Watson Jr. Institute for International Studies at Brown University. CHOICES was established to help citizens think constructively about foreign policy issues, to improve participatory citizenship skills, and to encourage public judgment on policy priorities.

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About the Choices Approach

Choices for the 21st Century curricula are designed to make complex international issues understandable and meaningful for students. Using an innovative approach to student-centered instruction, Choices units develop critical thinking and civic judgment — essential ingredients of responsible citizenship.

Understanding the Significance of History: Each Choices unit provides students with a thorough introduction to the topic under consideration. Students gain an understanding of the historical background and the status of current issues. In this way, they see how history has shaped our world. With this foundation, students are prepared to thoughtfully consider a variety of perspectives on public policy.

Exploring Policy Alternatives: Each Choices unit is built around a framework of alternative policy options that challenges students to consider multiple perspectives and to think critically about the issue at hand. Students are best able to understand and analyze the options through a cooperative learning/role-play activity. In groups, students explore their assigned options and plan short presentations. The setting of the role-play may be a Congressional hearing, meeting of the National Security Council, or an election campaign forum. Student groups defend their policy options and, in turn, are challenged with questions from their classmates. The ensuing debate demands analysis and evaluation of the many conflicting values, interests, and priorities reflected in the options.

Exercising Civic Judgment: Armed with fresh insights from the role-play and debate, students are challenged to articulate original, coherent policy options that reflect their own values, priorities, and goals as individuals and citizens. Students' views can be expressed in letters to Congress or the White House, editorials for the school or community newspaper, persuasive speeches, or visual presentations.

Why Use the Choices Approach? Choices curricula are informed by current educational research about how students learn best. Studies have consistently demonstrated that students of all abilities learn best when they are actively engaged with the material rather than listening passively to a lecture. Student-centered instructional activities motivate students and develop higher-order thinking skills. However, some high school educators find the transition from lecture format to student-centered instruction difficult. Lecture is often viewed as the most efficient way to cover the required material. Choices curricula offer teachers a flexible resource for covering course material while actively engaging students and developing skills in critical thinking, persuasive writing, and informed citizenship. The instructional activities that are central to Choices units can be valuable components in any teacher's repertoire of effective teaching strategies. Each Choices unit includes student readings, a framework of policy options, suggested lesson plans, and resources for structuring cooperative learning, role-plays, and simulations. Students are challenged to:

- recognize relationships between history and current issues
- analyze and evaluate multiple perspectives on an issue
- understand the internal logic of a viewpoint
- engage in informed debate
- identify and weigh the conflicting values represented by different points of view
- reflect upon personal values and priorities surrounding an issue
- develop and articulate original viewpoints on an issue
- communicate in written and oral presentations
- collaborate with peers

Teachers who use Choices units say the collaboration and interaction that take place are highly motivating for students. Opportunities abound for students to contribute their individual talents to the group presentations in the form of political cartoons, slogans, posters, or characterizations. These cooperative learning lessons invite students to take pride in their own contributions and the group product, enhancing students' self-esteem and confidence as learners. Choices units offer students with diverse abilities and learning styles the opportunity to contribute, collaborate, and achieve.

Note to Teachers

What powers should government have over its citizens? What should we as citizens do if we believe that the government has exceeded the bounds of its legitimate authority? How should political power and responsibility be divided among the federal, state, and local levels of governments? How sound is the political judgment of the American electorate?

As we enter the 21st century, these questions are at the top of our nation's public agenda. More than 200 years ago, they occupied much the same position in the formative years of the American republic. In *A More Perfect Union: Shaping American Government*, students will revisit the events and controversies of 1763-88 to gain a deeper understanding of the political climate of the era and the values that contributed to America's political foundation. In exploring the parallels between the debates of 1776 and 1788 and our country's current political discourse, students will gain an insight into many of the issues that define our own age.

Rather than dwell on the structure of the constitution, *A More Perfect Union: Shaping American Government* focuses on the values, beliefs, and interests that influenced the political development of the young American nation. The unit relies on primary source documents and reconstructed debates to bring to life for students the debates that determined America's early course. The experience is designed not only to allow students to examine our nation's formative years, but to provide them with the knowledge and skills needed for responsible citizenship today.

A More Perfect Union: Shaping American Government stresses interactive, group-oriented learning. Skills that are emphasized and reinforced in the lessons include: interpreting and utilizing primary source documents; distinguishing facts from opinions and assumptions; working cooperatively in a group setting; constructing logical, persuasive arguments; integrating several sources of information into coherent oral and written presentations; analyzing historical context; interpreting statistical data; evaluating alternative positions; and clarifying the connections between past controversies and present issues.

Suggested Ten-Day Lesson Plan: The Teacher's Resource Book accompanying *A More Perfect Union: Shaping American Government* contains a day-by-day lesson plan and student activities. The first two lessons of the unit focus on fundamental questions about the purpose of government and the rights and responsibilities of individuals. From there, students engage in a two-day simulation that places students in the context of American colonists in February 1776. Day Five of the lesson plan examines the shortcomings of the Articles of Confederation. On Day Six, students analyze the [illegible] controversial issues of the Constitutional Convention. On Days Seven and Eight, they take part in a two-day simulation set in February 1788 on the ratification of the proposed constitution. The unit then asks students to look back at America's early political development from a historian's perspective. Finally, they are given an opportunity to assess the strengths and weaknesses of the constitution and propose revisions of their own. In addition, the unit includes an optional lesson on the process of democratization during the early decades of the American republic. You may also find the "Alternative Five-Day Lesson Plan" useful

The lesson plan offered in *A More Perfect Union: Shaping American Government* is a guide. Ultimately, teachers are in the best position to adapt the lessons to fit the needs and intellectual appetites of their students. While the lesson plan is organized around a conventional forty-to-fifty minute class period, the activities are particularly well-suited to the flexibility of block scheduling. We hope that these suggestions help you in tailoring the unit to fit the needs of your classroom.

Integrating This Unit into Your Curriculum

Units produced by the Choices for the 21st Century Education Project are designed to be integrated into a variety of social studies courses. *A More Perfect Union: Shaping American Government* lends itself most logically to the 1763-88 period of U.S. History and to the study of the U.S. Constitution in government or civics courses. Below are a few ideas about where *A More Perfect Union: Shaping American Government* might fit elsewhere in the social studies curriculum.

Rethinking Government: With the election of Ronald Reagan to the presidency, the seemingly inexorable expansion of the U.S. federal government began to lose momentum. In recent years, increasing concern about budget deficits and the growing resentment of American taxpayers have led both our political leaders and the public at large to question the purpose and structure of government. The passage of welfare reform legislation in 1996 has shifted much of the responsibility for addressing the needs of the nation's poor from Washington to the states. Middle-class entitlement programs, such as social security and medicare, face a fiscal crunch in the coming years. At the same time, proposed constitutional amendments have emerged on issues ranging from balancing the federal budget to protecting the flag from desecration. *A More Perfect Union: Shaping American Government* allows students to assess our current political debate from the perspective of America's early years.

The Development of Democracy: The establishment of the United States and the development of the U.S. Constitution changed the course of world history. The repercussions of America's bold political experiment were felt first in Western Europe and Latin America, and eventually reached the most distant corners of the globe. Today, our country's political system continues to serve as a touchstone for proponents of democracy throughout the world. *A More Perfect Union: Shaping American Government* gives students an opportunity to examine the philosophical and cultural roots of American democracy and consider our country's contribution to the spread of democracy worldwide over the past two centuries.

Comparative Constitutions: The U.S. Constitution is the world's oldest, living written constitution. Constitutional scholars often attribute the durability of the U.S. Constitution to the limited goals of the framers and the flexibility of the American political system. Political leaders throughout the world have drawn on the document to frame constitutions for their own countries. *A More Perfect Union: Shaping American Government* provides a springboard for comparing the American experience with the development of constitutions in other countries. For example, in what respects do the Mexican and Japanese constitutions borrow heavily from the U.S. Constitution? In what areas do they differ? How does the Soviet constitution's definition of individual rights contrast with the notion of individual rights presented in the U.S. Constitution? To what extent has the U.S. Constitution served as the basis for establishing international norms?

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Rethinking the Purpose of Government

Objectives:

Students will:

- Analyze the sources of political conflict in the late colonial period.
- Explore with their classmates fundamental political values.
- Consider questions of political philosophy from the perspective of the American colonists.

Required Reading:

Before beginning the unit, students should have read Part I of the background reading (pages 1-6 in the student text) and completed "Study Guide — Part I."

Handouts:

- "Teenage World" (pages 5-6).

In the Classroom:

1. *Examining the Roots of Conflict* — Call on students to identify the points of friction between the American colonists and British authority that emerged after the French and Indian War. List the items on the chalkboard. Emphasize that much of the friction revolved around defining the relationship between the colonies and the mother country and delineating the competing claims of the British Parliament and the colonial legislatures. Note that both sides fortified their arguments with references to the British constitution and British history.

2. *Political Philosophy* — Explain that the debate in the American colonies in the 1760s and 1770s lent itself to a wider discussion about the nature of government. Ask students how John Locke's ideas contributed to this discussion. What aspects of Locke's philosophy were echoed in the arguments of the early patriots? Note that many American patriots believed that the New World offered them an opportunity to rethink the principles of politics and recast the foundation of government. What accounted for this spirit of experimentation?

3. *State of Nature* — Form groups of three to five students and distribute "Teenage World" to each student. Discuss the setting of the simulation with the class, emphasizing that the intent is to encourage students to explore fundamental political questions. Assign a student from each group to record the conclusions of the group on the worksheet.

4. *Sharing Conclusions* — After the groups have completed the worksheet, invite group spokespersons to share their conclusions. Which rights were considered most important by the class? How did students define the purpose of government? What attitudes did students take regarding the balance between individual rights and government authority?

5. *Colonial Context* — Call on students to imagine they are completing the "Teenage World" worksheet in the last decade of the colonial period. What concerns would be uppermost in their minds? How would the political attitudes of the colonial period differ from those held by Americans today?

Homework:

Students should read Part II of the background reading (pages 7-13 in the student text) and complete "Study Guide — Part II."

Name:

Study Guide — Part I

In the Beginning — Englishmen in the New World

1. Why were the British-American colonies seen as "business ventures"? Which issues were addressed in the colonial charters?

2. How did the principles of mercantilism guide British policy toward the American colonies?

3. Some colonists believed that British trade policies promoted their economic development, while others viewed them as an obstacle. Summarize the arguments underlying each viewpoint.

4. In what areas did the American colonists enjoy a large degree of self-government? What factors contributed to Britain's "light hand"?

5. Unlike cocaine, heroin, or other illegal drugs, the goods smuggled by the colonists were neither illegal nor harmful. If your were an attorney in 1750 hired to defend a colonial merchant and a shipowner caught with a cargo of smuggled goods, what arguments would you present before the court?

6. How did the American colonists apply the ideas of John Locke in criticizing British rule?

7. Why did some British leaders fear that their country's acquisition of Canada would eventually lead to the loss of the British-American colonies?

Name:

Teenage World

The Setting: Imagine that when you wake up tomorrow morning all people over 18 years of age have disappeared. There are no parents to tell you what to do, no teachers to give you assignments, no policemen to enforce the law, and no government leaders to set policy. The army, navy, and air force no longer exist, nor do the people who serve as doctors, nurses, paramedics, and firefighters. In short, adult authority and services have vanished. As teenagers, you are now the oldest people in this new world. You have complete freedom of action, as well as new responsibilities.

Part I

To start, you must consider what will be the foundation of your new society. The questions below will help you and your fellow group members to organize your thoughts.

1. First, decide which natural rights people should enjoy. (Keep in mind that natural rights are not determined by the government. They stem simply from the fact that you are human.)

   A.
   B.
   C.
   D.
   E.
   F.
   G.

2. Now, consider your interaction with others. What problems might arise in your new society if everyone has complete freedom of action?

3. As an individual, are you capable of securing all of the natural rights you have listed? In what areas would you need to cooperate with others? Do you have an obligation to help the less capable members of society, such as young children?

Part II

Political thinkers would call the world you have been asked to imagine a "state of nature" — the natural state of human beings not governed by an authority structure. Some philosophers contend that such a state would be accompanied by peace, prosperity, and harmony. Others see a war of everyone against everyone. The contrasting visions reflect sharply different views about human nature. Optimists believe that people are fundamentally compassionate, sharing, and peaceful. Pessimists consider us selfish, grasping, and violent. These beliefs influence their ideas about government and politics.

1. At the dawn of civilization, people joined together to address common concerns, such as making weapons for hunting or bringing water to their fields. What common concerns should you address together in your society?

   A.

   B.

   C.

   D.

   E.

   F.

   G.

2. Now that you have identified common concerns, you must begin thinking about a structure to address them. That means creating a government. In your society, how would the leaders of your government be selected? Should everyone, including your five-year-old brother or sister, have a voice in the selection process?

3. Imagine that disputes have arisen between members of your society. Each side claims that his or her natural rights are being violated? How do you propose that such disputes be settled?

4. With the establishment of a government, you must begin to define the authority of the government and the rights and responsibilities of the individual.

   A. *Government authority:* What power should the government have to carry out its decisions? For exampie, should the government be empowered to punish individuals who refuse to comply with its decisions?

   B. *Individual rights and responsibilities:* Should you have a voice, direct or indirect, in determining the decisions of the government? What responsibilities do you have to help the government carry out its mission?

5. John Locke saw the relationship between government and the citizenry as a "social contract." In Locke's view, both sides of the social contract were bound by certain duties and obligations. Imagine that you have become dissatisfied with the government you have created. At what point would you feel that the government has broken its end of the social contract? At what point would you be justified to rebel against the government?

Balancing Competing Values

Objectives:

Students will:
- Distinguish between values and interests.
- Balance competing values in a scenario featuring political conflict.
- Cooperate with classmates to assess the implications of proposed courses of action.
- Evaluate the political and moral dilemmas facing the American colonists.

Required Reading:

Students should have read Part II of the background reading and completed "Study Guide — Part II."

Handouts:

- "Values, Rights, and Protests" (pages 9-10).
- "Values, Rights, and Protests — Case Studies" (pages 11-12) for six small groups.

In the Classroom:

1. *Distinguishing Values* — Distribute "Values, Rights, and Protests" to each student. Instruct students to read the introduction. Call on students to offer personal examples to illustrate the distinction between values and interests. Discuss incidents from daily life when values and interests come into conflict. For example, how far would students go to defend their personal honor?

2. *Facing Difficult Choices* — Form six groups. Distribute "Values, Rights, and Protests — Case Studies" to each group and assign each group a case study. Instruct students to read the instructions of "Values, Rights, and Protests" and their assigned case studies. Assign a student from each group to record the conclusions of the group on the worksheet. After the groups have completed the worksheet, invite group spokespersons to summarize their case studies and share their conclusions with the class. Focus on the values and interests involved in each case study. Ask the group spokespersons to discuss the values and interests attached to the ends and means under consideration.

3. *Drawing Parallels* — Call on students to identify parallels between the case studies and the 1763-75 period. What were the leading values and interests at stake for the colonists? How do the means employed by the patriots compare to the means proposed by the students? Ask students to evaluate the protest movement of the patriots. For example, did the means employed in opposition to the Tea Act or the Intolerable Acts justify the ends? Invite students to propose alternative courses of action.

Homework:

Students should read "February 1776 — Weighing Colonial Options" (page 14 in the student text).

Name:

Study Guide — Part II

The Widening Split — 1763-75

1. What were the main economic factors motivating the American colonists to oppose the Sugar Act and the Stamp Act? What political principles were at stake for the colonists?

2. Look up the word "appeasement" in a dictionary. Do you think that this word describes British policies toward the colonies before 1773? Explain your reasoning.

3. Why did William Pitt press for the repeal of the Sugar Act and the Stamp Act? Why did his compromise proposal fail to end conflict between Britain and the colonies?

4. Although the colonies rejected Benjamin Franklin's call in 1754 to unite in the face of the threat from France, they came together to effectively resist British efforts to impose new taxes after 1763. What accounts for the increased cooperation?

5. Britain adopted much firmer policies toward the colonies after the Boston Tea Party. In your opinion, did the mother country overreact, or was this the case of a mother finally realizing that her children had spun out of control? Explain your reasoning.

6. In your opinion, would the American War of Independence have taken place if the first shot at Lexington had not been fired in April 1775?

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Name:

Values, Rights and Protests

Introduction: The American patriots justified their actions by claiming that they were defending English values. Today, we usually think of values in connection with our personal lives. Values, however, are at the center of our civic lives as well. The values motivating the American patriots, such as freedom and liberty, represented the ideals and qualities that they held most dear. Many of their values continue to ring loudly in our own society and bring us together as Americans.

By their nature, values are difficult to compare or measure. In contrast, interests are much more concrete. As individuals, we have personal interests associated with our comfort and well-being. Nations have interests too. For example, U.S. interests include promoting the sale of American exports, securing sources of energy and other raw materials, and protecting the country from attack. In most cases, we can attach a number or a dollar amount to interests.

People have worked, fought, and died in the name of values. In times of conflict, values are held up as vital goals, or "ends," that justify sacrificing our personal and national interests. In many cases, the actions, or "means," taken to achieve important ends come at a tremendous cost in interests. For example, to preserve the union (a value) President Abraham Lincoln fought a long and bloody war that cost more than 600,000 lives and billions of dollars in property damage (interests).

Instructions: In this exercise, your group has been called upon to balance values and interests. You have been given a case study which presents you with difficult choices that relate to both the colonial era and today. As with most political decisions, there are no clear-cut "correct" answers.

For the purposes of this exercise, you and your fellow group members should imagine that you live in a country in which basic rights are guaranteed through both common custom and written law. The laws of your country are made by representatives who are elected by most, but not all, adult citizens.

To begin this exercise, you and your fellow group members should carefully read your case study. (Keep in mind that the case studies were invented for this exercise. Do not try to connect them to historical events.) The questions below will help you analyze the issues at hand and develop a course of action. Be prepared to share your conclusions with your classmates.

Part I — Analysis

1. What values and interests are at stake in your case study?

A. *Values:*

B. *Interests:*

2. Suggest three potential courses of action that your group might pursue in response to your case study. (Propose a wide range of potential options, not simply the ones with which you personally agree.)

Option 1:

Option 2:

Option 3:

3. Classify your proposed options. Are they legal (L) or illegal (I)? Are they non-violent (N), slightly violent (SV), or very violent (VV)?

	L or I	**N, SV, or VV**
Option 1:	___	___
Option 2:	___	___
Option 3:	___	___

4. Identify the values that may be threatened by your proposed options. (In other words, how might the "means" that you propose conflict with the values that you hold dear?) Identify the interests that may be threatened by your proposed options. (In other words, how might the "means" that you propose potentially harm the interests of you, your family, your community, and your country?)

Option 1:

Option 2:

Option 3:

Part II — Action

1. Which of the three proposed options does your group prefer? How would you convince your fellow citizens that your preferred course of action is reasonable and just?

2. If your preferred course of action fails to achieve your ends, which course of action would you then pursue? Explain your reasoning.

3. At what point would the cost of the means you have undertaken outweigh the value of the ends you are pursuing? (In other words, at what point do the ends no longer justify the means?)

Values, Rights and Protests — Case Studies

Case Study #1

Your country is deeply in debt. Over the past ten years, your government has spent much more money than it has raised in taxes. Government spending has gone toward improving the lives of your country's people and protecting you from foreign enemies. Since everyone benefited from the spending, your elected representatives agree that everyone should help to pay the bills. Among the measures passed is a new set of taxes that would target goods and services bought in particular by you and your fellow teenagers. Many of your representatives argue that teenagers pay little if any in taxes under the current tax code, although many of them earn substantial incomes. The main sponsor of the new law contends that teenagers should start paying their "fair share" to support the government. Her legislation will impose a 20 percent tax, beginning next year, on the purchase of video games, compact disks, skateboards, movie tickets, rock concerts, in-line skates, and athletic shoes. Revenue raised by the taxes will be earmarked for education. At present, the minimum voting age in your country is 21.

Case Study #2

You live in a country that enjoys a relatively high level of prosperity. You belong to a distinct minority group within your society. In recent decades, several laws have been enacted that have expanded the rights of your group. Economically, you and your fellow group members generally rank above the national average. Many of you own your own businesses and employ members of the majority group. However, your group has yet to be granted the right to vote in national elections. In the last few years, some members of your group have begun a campaign to gain the right to vote. They insist that full equality must be attained immediately. Others advise patience, arguing that your country is gradually moving in the right direction. They fear that a campaign for full equality would spark violence and endanger the progress that has been made.

Case Study #3

Your country has been torn by social unrest in recent years. Many of your fellow citizens place the blame on what they see as a decline in moral values. They have focused particular attention on certain illegal substances that are commonly used. (Health experts have yet to determine if these substances are harmful.) The government has turned a blind eye toward the use of these substances. Instead, government officials have concentrated on arresting the smugglers who illegally bring the substances into the country. Although your country lacks a formal, written set of laws guaranteeing individual rights, the belief that what individuals do in their own homes is not the business of the government has long been accepted. Nonetheless, the government has issued a new law granting the police the authority to search private homes for illegal substances.

Case Study #4

The protection of private property has long been a fundamental value enshrined in the legal system of your country. Your country's laws have been shaped in particular to protect the rights of creditors — investors who lend their money to others in exchange for interest payments. When borrowers have been unable to pay back their loans, the courts have consistently ruled that creditors have the right to take away the property that the borrower has put up as collateral to guarantee the loan. Until recently, your country's economy had been rapidly expanding and a majority of your country's population had borrowed extensively. Now, however, the economy has slowed. Like many of your fellow citizens, you are unable to pay back your loan. Meanwhile, creditors are using your country's legal system and law enforcement agencies to force debtors to give up their homes and farms.

Case Study #5

Tradition is highly valued in your country. You and many of your fellow citizens are self-employed as small farmers, craftsmen, or shop owners. In your neighborhood, you can buy everything you need from small family-owned stores. In the last decade, an increasing proportion of your country's food has been imported from the large, economically advanced nation on your eastern border. Your government has recently agreed to allow a huge corporation in the neighboring nation to open a chain of stores selling dairy products. The corporation, which is a world leader in efficiency, is expected to offer prices nearly one-third lower than local stores. Many of your country's shop owners fear that they will be driven out of business. They have launched a campaign to block the agreement, arguing that the corporations of your powerful neighbor threaten to undermine your country's traditional way of life. The first of the corporation's chain stores is scheduled to open next month.

Case Study #6

You live in a region which opposes many of the policies of your country's government. Although your region has one-fifth of the seats in the national legislature, your representatives are generally outvoted by the majority and their concerns are ignored. You and your neighbors were angered especially by a recent series of laws. You feel that the national legislature has adopted a course that will unfairly harm your region's economic interests and threaten the values that make your part of the country unique. A few of the sharpest critics have taken up arms and openly defied the new laws. As a result, the national government has sent extra troops to your region to enforce the law of the land. Your region's courts, which have not strictly enforced many national laws, have been suspended. Outside of your region, few people in your country sympathize with your position.

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February 1776: Organization and Preparation

Objectives:

Students will:

- Analyze the issues confronting the colonists in February 1776.
- Identify the core underlying values of the options.
- Integrate the arguments and beliefs of the options and the background reading into a persuasive, coherent presentation.
- Work cooperatively within groups to organize effective presentations.

Required Reading: Students should have read "February 1776 — Weighing Colonial Options."

Handouts:

- "Considering Your Option — February 1776" (page 14) for option groups.
- "Concerned Colonists — February 1776" (page 15) for concerned colonists.
- "Travellers at the Inn — February 1776" (page 16-17) for concerned colonists.

In the Classroom:

1. *Reaching a Critical Juncture* — Review "February 1776 — Weighing Colonial Options" with students. Emphasize that February 1776 was a period of intense debate about the direction of the colonial struggle against Britain.

2. *Getting Started* — In order to save time in the classroom, form student groups before beginning Day Three. During the class period of Day Three, students will be preparing for the Day Four role play. Remind them to incorporate the background reading into the development of their presentations and questions.

3a. *Option Groups* — Form four groups of three to five students. Assign an option to each group. Distribute "Considering Your Option — February 1776" to the four option groups. Inform students that each option group will be called upon in Day Four to present the case for its assigned option to a group of colonists gathered at a public inn. Explain that the option groups should follow the instructions in "Considering Your Option — February 1776."

3b. *Concerned Colonists* — Distribute "Travellers at the Inn — February 1776" to the remainder of the class. Distribute "Concerned Colonists — February 1776" and assign each student a role. (In smaller classes, students may be assigned to more than one role. In larger classes, two students may be assigned to each role.) While the option groups are preparing their presentations, the concerned colonists should develop questions to be directed to the option groups on Day Four. Each student should prepare at least two questions for each of the options. (See "Concerned Colonists — February 1776.") Remind the concerned colonists that they are expected to turn in their questions at the end of the simulation.

Extra Challenge: Ask the option groups to design posters illustrating the best case for their options. The concerned colonists may be asked to design a political cartoon expressing their concerns.

Homework: Students should complete preparations for the simulation.

Name: ____________________

Considering Your Option — February 1776

Instructions: Your group is spending the night at a public inn located in one of the mid-Atlantic colonies in February 1776. After dinner, the discussion at the inn turns to the rebellion that began in New England ten months ago. Your group's assignment is to persuade your fellow travellers at the inn that the colonies should adopt your option.

After reading your option and the supporting materials, answer the questions below from the viewpoint of your option. This worksheet will help you prepare a three to five minute presentation that your group will deliver on Day Four. Keep in mind that your group's presentation may include only information that was available in the winter of 1776. After all of the groups have presented their options, your fellow travellers will have an opportunity to challenge your arguments.

1. According to your option, what is the main cause of the present crisis and who is to blame?

2. According to your option, what rights should the colonists enjoy and what is the source of these rights?

3. According to your option, what relationship should exist between Britain and the colonies?

4. According to your option, what will happen if the rebellion continues?

5. In summary, what course of action does your option recommend that the colonies pursue?

Name:

Concerned Colonists — February 1776

Your Role

You have been called upon to express the concerns of a colonist living in British America in February 1776. You are spending the night at a public inn located in one of the mid-Atlantic colonies. After dinner, the discussion at the inn turns to the rebellion that began in New England ten months ago. You will hear about four distinct positions, or options, for you and your fellow colonists to consider. You are expected to evaluate each of the options from the perspective of the colonist you have been designated to represent.

Your Assignment

While the four option groups are organizing their presentations, you should prepare two questions regarding each of the options from the perspective of your assigned colonist. The questions should reflect the values, concerns, and interests of your role. Keep in mind that your questions should be based only on information that was available in the winter of 1776.

For example, an appropriate question about Option 1 from Silas Brattle would be:

> *Under Option 1, would we colonists have any means to overturn unfair taxes and trading restrictions imposed by Parliament?*

On Day Four, the four option groups will present their positions. After their presentations are completed, your teacher will call on you and your fellow travellers to ask questions. The "Evaluation Form" you receive is designed for you to record your impressions of the option groups. At the end of the activity, you will be expected to turn in your questions and the "Evaluation Form."

Travellers at the Inn — February 1776

Silas Brattle — You are a 45-year-old merchant from Rhode Island. You are wealthy, owning shares in several merchant ships and a distillery which produces rum from molasses. Your family has lived in the colonies for three generations. Eleven years ago, you helped circulate a petition calling on colonial merchants to stop importing British merchandise until the repeal of the Stamp Act. You are a leader in the local Quaker community and a firm believer in non-violence. While much of your trade with the French islands of the Caribbean is technically illegal, you are grateful for the protection that the British flag gives your ships.

George Lee — You are a 19-year-old apprentice shoemaker from New Jersey. You came over from England two years ago as an indentured servant. The rest of your family remained in the mother country. Your present employer paid your passage and in return you are bound to work for him for five more years. Your employer's business is thriving, as many colonists have avoided buying goods imported from England. After you have completed your five years as an indentured servant and have set up a business of your own, you plan to bring your family to the colonies.

Henry Walker — You are a 32-year-old farmer from western Connecticut. You and your wife, Sara, have four small children. You both work very hard on a small farm where you raise crops and livestock primarily to feed your family. You bought your farm with money you borrowed from a local merchant. The monthly payments are difficult to meet. You were elected to serve as a lieutenant in your local militia and led a group of soldiers to Boston last summer. After General Washington took command of the Continental Army, you returned home to help your wife manage your farm.

William Calder — You are a 25-year-old farmhand in Maryland. You want to buy a farm so you can afford to marry your fiance, Elizabeth, and raise a family, but the price of land in your area is very high. You have heard that there are rich lands beyond the Appalachian Mountains which may soon be opened for settlement. You work for Squire Blake, the wealthiest landowner in the county. He has been your patron, encouraging you and helping Elizabeth find work as a seamstress. Squire Blake, who is related by marriage to the royal governor of the colony, has served as chief justice of the colony. Your two brothers also work for the squire.

Thomas vander Hoven — You are a 73-year-old landowner from central New York. A descendent of the earliest Dutch settlers in your area, you and your family own one of the largest estates in New York. As the most prominent man of your county, you have tried to avoid the political disputes that have increasingly flared up between British officials and the colonial assembly. At the heart of your views is the belief that what is good for business is good for the American colonies. You wish to preserve society as it is and look suspiciously at calls for radical change.

Charles St. James — You are a 52-year-old tobacco plantation owner from South Carolina. You own eighty slaves and 2,000 acres of land you bought ten years ago. Although very wealthy by the standards of your community, you are heavily in debt to a group of London merchants that loaned you the money to establish your plantation. Nearly all of your crop is shipped to London and sold by these merchants. During the French and Indian War, you served as a major in the colonial militia. You look back with pride at your contribution to helping drive the French out of North America.

Robert Stewart — You are a 26-year-old dockworker from Boston. You have been without steady work since the British closed the port of Boston in 1774. You have developed a deep hatred for the British soldiers stationed in Boston under the command of General Gage. Some of them, in their off-duty hours, compete with you and your friends for odd jobs. Fights between off-duty troops and colonial laborers have become commonplace. In a recent brawl, a close friend of yours was shot and killed by a British soldier.

Michael Smithson — You are a 35-year-old frontier farmer from Georgia. You and your wife, Charity, left Virginia five years ago and bought 200 acres of wilderness in Georgia. The two of you have used a team of oxen to clear twenty-five acres and plant crops. Less than 100 miles from your farm is the Spanish colony of Florida, which the British have controlled since 1763. There are occasional clashes in your area between local Indians and the growing community of colonial settlers. You are very concerned about the safety of your family. Twice a year, you travel to Savannah to buy farming tools, all made in England, and colorful English cloth for your wife and children.

Rebecca Howe — You are the 48-year-old owner of the public inn at which this evening's discussion is taking place. You and your husband worked hard to build up your business. Since his death five years ago, the burdens on you have grown heavier. The local British magistrate is a frequent visitor to your inn, and you are grateful for the business he brings. Of course, you do not tell him that the rum you serve is made from smuggled molasses. You also do not dare admit that your son is a member of the rebel militia in your county. You are very worried that he may go off to war.

Reverend Howard Walford — You are a 62-year-old Anglican minister from New York. The third son of Sir Robert Walford, an English landowner in Wales and a member of Parliament, you immigrated to New York twenty years ago. As an ordained minister in the Church of England, you recognize King George III as the head of your church. You depend on grants from British officials in New York, who appointed you to your position, for much of your yearly income. A few members of your congregation have recently left to join a local Presbyterian parish. The Presbyterians do not recognize the king as the head of their church. Instead, the Presbyterian community is governed by a group of locally elected elders and ministers.

Walter Walford — You are a 28-year-old lawyer from Philadelphia and the son of Reverend Walford. A graduate of King's College, you studied law in London and returned to practice in Philadelphia. Most of your clients are merchants who resent British attempts to regulate trade. What is now branded as "smuggling" has been a way of life for your clients for many years. You have been impressed by the pamphlets of James Otis, John Adams, and James Dickinson, and have frequently cited their writings in court against British trade restrictions and taxation. You and your father argue frequently over these matters.

Emily Campbell — You are a 20-year-old barmaid at the public inn. Although outspoken in your opinions, you have impressed your employer with your hard work. Nonetheless, you remain poor, not much better off than people in the struggling village you left behind in Scotland. You spend at least twelve hours a day serving mostly wealthy patrons at the inn and listening to their discussions about their rights as Englishmen. You resent their attitudes of superiority. Although you have taught yourself to read and write, they generally dismiss you as a poor barmaid with nothing worthy to say.

John Williamson — You are the 25-year-old son of a wealthy planter from Virginia. While you are currently studying law, you will not need to practice law to support yourself. As a member of Virginia's landowning elite, you believe that you are bound by duty to lead your community and display the civic virtues of wisdom, courage, and honor. You have studied the classic texts in Greek and Latin, and see yourself as a modern-day version of the Roman patricians who led their republic to greatness. In recent months, you have written several letters to your local newspaper attacking British policies. Following the custom of the day, you have signed them "Cicero" after the Roman writer who spoke out against the tyranny of Julius Caesar.

Joshua MacGreggor — You are a 34-year-old farmer from North Carolina. A Scottish highlander by birth, you immigrated to North Carolina in 1770. Several hundred of your fellow Scots made the journey with you, driven out by many years of poor harvests and desperate poverty in your homeland. While your father fought in the Scottish uprising of 1745 in support of the claim of the Stuart clan to the British throne, you have become a loyal subject of King George III in the colonies. You are grateful that British rule has made your settlement in America possible.

February 1776: Debate and Discussion

Objectives:

Students will:

- Articulate the leading values influencing colonial viewpoints in February 1776.
- Explore, debate, and evaluate multiple perspectives on the course of colonial relations with Britain.
- Sharpen rhetorical skills through debate and discussion.
- Cooperate with classmates in staging a persuasive presentation.

Handouts:

- "Evaluation Form" (page 19) for the concerned colonists.

In the Classroom:

1. *Setting the Stage* — Organize the room so that the four option groups face a row of desks reserved for the concerned colonists. Distribute "Evaluation Form" to the colonists.

2. *Managing the Simulation* — Explain that the simulation will begin with three-to-five minute presentations by the spokespersons for the option groups. Encourage the spokespersons to speak clearly and convincingly.

3. *Guiding Discussion* — Following the presentations, invite the concerned colonists to ask questions. Make sure that each colonist has an opportunity to ask at least one question. The questions should be evenly distributed among all four option groups. If time permits, encourage members of the option groups to challenge the positions of other groups. During cross-examination, allow any option group member to respond. (As an alternative approach, permit questions after each option is presented.)

Homework:

Students should read Part III of the background reading (pages 36-38 in the student text) and complete "Study Guide — Part III."

Name: ______________________________

Evaluation Form
Concerned Colonists — February 1776

Instructions: Answer the questions below from the perspective of your assigned role.

1. According to each option, what is the main cause of the present crisis?

   Option 1:

   Option 2:

   Option 3:

   Option 4:

2. According to each option, what relationship should the colonies seek to establish with Britain?

   Option 1:

   Option 2:

   Option 3:

   Option 4:

3. How would you and your family be affected by the proposed course of action of each option?

   Option 1:

   Option 2:

   Option 3:

   Option 4:

4. Which of the four options would you support most strongly? Explain your reasoning.

Democratization in the United States

Objectives:

Students will:

- Analyze trends toward democratization in the early decades of the United States.
- Draw conclusions from quantitative data.
- Evaluate the underpinnings of American democracy.

Required Reading:

Students should have read "The War for Independence, 1776-83" (pages 28-35 in the student text) and completed the "Study Guide — Optional Reading."

Handouts:

- "Exploring the Evidence" (page 22) for seven small groups.
- "Trends toward Democratization" (pages 23-27) for appropriate groups.

In the Classroom:

1. *Dissecting Democracy* — Ask students to assess American society at the end of the War for Independence. How had America changed during the war? Did the "American Revolution" take place as a result of the conflict? How democratic was the United States in 1783?

2. *Forming Small Groups* — Form seven groups. Distribute "Exploring the Evidence" to each student and assign each group one of the seven trends. Distribute the appropriate sections of "Trends toward Democratization" to the seven groups. Explain that "Trends toward Democratization" presents seven developments that promoted democratization during the first decades of the United States. Instruct each group to analyze how its assigned trend contributed to the process of democratization. Assign a student from each group to record the conclusions of the group on the worksheet.

3. *Sharing Conclusions* — After the groups have analyzed their assigned trends, call on group spokespersons to share their conclusions with the class. Prod students to find connections among the trends. For example, what is the relationship between the expansion of slavery in the southern states and the decline in indentured servitude? Ask students to rank the seven trends in terms of their significance to democratization. How were economic and political democratization interrelated? Ask students to identify the characteristics they most closely associate with democracy.

4. *Implications for Today* — Invite students to assess the progress of democratization in the United States since the early 1800s. In what respects has the United States become more democratic? Which forces have promoted democratization? How is democracy affected by the fact that wealth in the United States is today much less evenly distributed than in most other developed countries? Ask students to evaluate the future prospects of American democracy. Which trends do they consider most relevant to the health of democracy?

Name:

Study Guide — Optional Reading
The War for Independence — 1776-83

1. What factors in the first half of 1776 convinced many colonists to support the rebellion against Britain?

2. How did the Declaration of Independence differ from earlier patriot writings?

3. The War for Independence has been called America's first civil war. What do historians mean by this?

4. Why did the British give up their efforts to defeat the Americans after the battle of Yorktown? Which other battles proved to be decisive turning points?

5. In what respect was the British experience in the War for Independence similar to the American experience in the Vietnam War almost two centuries later?

6. How did Abigail Adams' views on the struggle for independence differ from those of most colonial leaders?

7. How did France, Spain and other European powers contribute to America's victory? What were their motivations? Do you think the French and Spanish kings shared the political values of the Americans?

Name:

Exploring the Evidence

Instructions: America's break from Britain paved the way for a series of long-term social, economic, and political trends that defined the new nation's identity and gradually transformed American society. Before independence, a small, wealthy, well-educated elite living in a handful of coastal towns dominated colonial society. For other colonists, their fortunes often depended in part on their connections to the colonial elite.

Most patriot leaders came from backgrounds of privilege and wealth. They expected that they would continue to direct the affairs of the new republic after the War for Independence. Power in the young republic, however, soon began to flow away from the traditional elite. The common citizen (while still limited to white, male adults) increasingly gained a greater voice in society. From today's perspective, this process of "democratization" is seen as a triumph of American values. At the time, however, many of the country's leaders viewed "democracy" and "popular rule" as dangerous threats, even diseases. Democracy had not been used as a rallying cry during the struggle for independence.

In this exercise, your group will focus on one of seven trends reflecting America's democratization during the early decades of the republic. Below are the seven trends to be considered by the class.

1. *Movement of state capitals.*
2. *Shifting patterns of slave ownership.*
3. *Development of state bills of rights.*
4. *Changes in voter qualifications.*
5. *Land ownership and the distribution of wealth.*
6. *Expansion of state-chartered banks.*
7. *Decline of indentured servitude.*

After carefully studying the trend that your group has been assigned, answer the questions below, as well as the questions related specifically to your trend. If possible, use a graph, chart, or map to illustrate the evidence. Be prepared to share your conclusions with your classmates.

1. How did America's independence from Britain contribute to the trend?

2. How does the trend fit into the broader process of democratization?

Trends toward Democratization (Trends #1 and #2)

Trend #1 — Movement of state capitals

Below is a list of the colonial capitals prior to the War for Independence and the state capitals in 1800. Using an atlas, mark the locations of the capitals on the map. What forces might account for the pattern?

State	Pre-1776	1800
Connecticut	Hartford/New Haven	Hartford
Delaware	Newcastle	Dover
Georgia	Savannah	Louisville
Maryland	Annapolis	Annapolis
Massachusetts	Boston	Boston
New Hampshire	Portsmouth	Concord
New Jersey	Perth Amboy/Burlington	Trenton
New York	New York	Albany
North Carolina	New Bern	Raleigh
Pennsylvania	Philadelphia	Lancaster
Rhode Island	Rotating capitals	Rotating capitals
South Carolina	Charleston	Columbia
Virginia	Williamsburg	Richmond

Trend #2 — Shifting patterns of slave ownership

Black slavery in British America was well-established by the end of the 17th century. Although most of the slaves worked on plantations in the southern colonies, slaves were present in all of the colonies on the eve of the War for Independence. The first census conducted in 1790 recorded nearly 700,000 slaves. At the same time, the census indicated that there were free blacks in nearly every state. The list below shows the slave population in the original thirteen colonies from 1790 to 1830. In which states did slavery expand most rapidly? In which states did slavery decline most rapidly? What do the figures suggest about the economic development of the northern and southern states?

State	1790	1800	1820	1830
New Hampshire	157	8	0	3
Massachusetts	0	0	0	1
Rhode Island	958	380	48	17
Connecticut	2,648	951	97	25
New York	21,193	20,903	10,088	75
New Jersey	11,423	12,422	7,557	2,254
Pennsylvania	3,707	1,706	211	403
Delaware	8,887	6,153	4,509	3,292
Maryland	103,036	107,707	111,917	107,499
Virginia	292,627	346,968	411,886	453,698
North Carolina	100,783	133,296	204,917	245,601
South Carolina	107,094	146,151	258,475	315,401
Georgia	29,264	59,232	110,055	124,345

Trends toward Democratization (Trend #3)

Trend #3 — Development of state bills of rights

Many of the state constitutions written during and after the War for Independence contained guarantees of individual rights. Below are excerpts from bills of rights established in Virginia (1776) and Massachusetts (1780). What are the main themes of the two bills of rights? What values are most prominent? What do the excerpts tell you about the concerns of the men who authored the bills of rights?

- All men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety. [Virginia]
- The body politic is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen and each citizen with the whole people that all shall be governed by certain laws for the common good. [Massachusetts]
- Religion, or the duty which we owe to our creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion according to the dictates of conscience. [Virginia]
- Freedom of the press is one of the great bulwarks of liberty and can never be restrained but by despotic governments. [Virginia]
- No man, nor corporation, or association of men have any other title to obtain advantages or particular and exclusive privileges distinct from those of the community than what rises from the consideration of services to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood. [Massachusetts]
- The people have a right to keep and to bear arms for the common defense. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature. [Massachusetts]
- Government is instituted for the common good, for the protection, safety, prosperity, and happiness of the people and not for the profit, honor, or private interest of any one man, family, or class of men. [Massachusetts]
- Excessive bail ought not to be required nor excessive fines imposed, nor cruel and unusual punishments inflicted. [Virginia]
- Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it. [Massachusetts]
- In all capital or criminal prosecutions a man has a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage [locality] without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land or the judgment of his peers. [Virginia]
- All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are the substitutes and agents, and are at all times accountable to them. [Massachusetts]

Trends toward Democratization (Trend #4)

Trend #4 — Changes in voter qualifications

Before the War for Independence, each colony had the authority to determine who had the right to vote. After the war, that authority passed to the states. The list below notes the minimum voting requirements of each colony/state. (Where a two-house legislature was established, the qualifications for voting for representatives to the lower house are given.) Compare how the qualifications changed after the War for Independence. (Keep in mind that about 80 percent of white, male adults in the colonies owned land at the time of the war. The average value of such holdings was 150 pounds, or roughly $15,000 in today's terms.) What do the changes suggest about America's political direction? Which groups would have most benefited from the expansion of voting rights? How do the newly admitted states compare to the original thirteen colonies?

Colony/State	Pre-War	Post-War
Connecticut	Land worth 40 pounds or rentable for 2 pounds yearly	Same
Delaware	50 acres or any property worth 40 pounds	All taxpayers
Georgia	50 acres	Any property worth 10 pounds
Kentucky	Statehood established in 1792	All adult males
Maryland	50 acres or any property worth 40 pounds	50 acres or any property worth 30 pounds
Massachusetts	Property worth 40 pounds or land rentable for 2 pounds yearly	Property worth 60 pounds or land rentable for 3 pounds yearly
New Hampshire	Landed estate worth 50 pounds	All taxpayers
New Jersey	Landed estate worth 50 pounds	Any property worth 50 pounds
New York	Landed estate worth 50 pounds	Landed estate worth 20 pounds or rentable for 2 pounds yearly
North Carolina	50 acres	All taxpayers
Pennsylvania	50 acres or any property worth 40 pounds	All taxpayers
Rhode Island	Property worth 40 pounds or land rentable for 2 pounds yearly	Same
South Carolina	50 acres or land rentable for 2 pounds yearly	Same
Tennessee	Statehood established in 1796	All adult males
Vermont	Statehood established in 1791	All adult males
Virginia	25 acres and a house	Same

Trends toward Democratization (Trends #5 and #6)

Trend #5 — Land ownership and the distribution of wealth

At the close of the 18th century, economic, political, and social status were most closely tied to land ownership in the United States and Europe. The list below compares land ownership and the distribution of wealth in six countries. How does the United States differ from the five Northern European countries listed? What factors might account for the differences in the distribution of wealth?

Country	Percentage of adult males owning land	Percentage of national wealth owned by top 1% of males	Percentage of national wealth owned by top 10% of males
United States	49	13	45
Scotland	22	24	64
Denmark	24	43	80
Sweden	29	31	65
Norway	38	33	65
Finland	23	19	46

Trend #6 — Expansion of state-chartered banks

Banks as we know them today did not exist in the colonies. If someone needed to borrow money, he would ask a wealthy merchant or landowner for a personal loan. Such arrangements created not only a financial obligation, but a personal obligation as well. Wealthy creditors held enormous power over their debtors.

Commercial banks sprang up immediately after the War for Independence. The new banks changed both economic and social relationships in the United States. Individuals borrowing money from a bank were indebted to an institution, not a wealthy creditor. Meanwhile, bank officials placed more emphasis on financial considerations than on personal connections in deciding to whom they would loan money.

The list below charts the expansion of commercial banking after the war. What was the significance of this trend for the American economy? How would this trend have affected the influence of the wealthy class in society?

Year	Number of state-chartered banks	Year	Number of state-chartered banks
1782	1	1795	20
1786	2	1797	22
1790	4	1799	25
1791	5	1800	28
1792	12		
1793	15	1816	246

Trends toward Democratization (Trend #7)

Trend #7 — Decline of indentured servitude

Roughly 60 percent of the British immigrants who came to the colonies during the colonial period consisted of indentured servants. In exchange for their passage across the Atlantic, the indentured servants were obligated to work for their sponsor for a set period of time. The period of servitude usually ranged from two to seven years.

Britain also shipped nearly 1,000 convicted felons annually to the colonies from 1763 to 1775. Colonial business owners could buy contracts which required that the prisoners provide seven to fourteen years of labor before they could be released. In addition, roughly 4,000 German immigrants, called "redemptioners," paid for their passage by working as indentured servants.

The contract holders, or "masters" as they were known, exercised virtually complete control over the lives of their indentured servants. Servants could not travel, marry, or own property without the permission of their masters. Women servants who bore children were required to provide an extra two years of service. Masters had the right to physically punish their servants. Colonial courts heard many cases in which masters were charged with severely beating their servants, denying them sufficient food, and refusing to release them after their period of servitude was over. At the outbreak of the War for Independence, the great majority of indentured servants lived in the southern colonies.

After the war, the number of indentured servants arriving in America declined. By 1820, the practice had almost come to an end. (The trade in convict labor had been stopped as a result of the war.) What factors might have accounted for the decline in indentured servitude? What does this trend suggest about the direction of the country?

The Articles of Confederation

Objectives:

Students will:

- Identify the weaknesses in the Articles of Confederation.
- Analyze the leading problems facing the young American republic.
- Compare the Articles of Confederation to political structures today.

Required Reading:

Students should have read Part III of the background reading and completed "Study Guide — Part III."

Handouts:

- "Evaluating the Articles of Confederation" (page 30).
- "Case Studies" (pages 31-36) to appropriate groups.

In the Classroom:

1. *The Confederate System* — Call on students to share their impressions of the Articles of Confederation. What does the document suggest about the political values of its authors? What concerns likely motivated the authors? Under the articles, what are the main duties of the national government?

2. *Forming Small Groups* — Form six groups. Distribute one of the six case studies to each group. Distribute "Evaluating the Articles of Confederation" to each student. Instruct each group to read its assigned case study and answer the questions in "Evaluating the Articles of Confederation." Assign a student from each group to record the conclusions of the group on the worksheet.

3. *Sharing Conclusions* — After the groups have analyzed their assigned case studies, call on group spokespersons to share their conclusions with the class. Focus on the connection between the problems featured in the case studies and the weaknesses of the Articles of Confederation. How did the problems contribute to the growing dissatisfaction with the confederate system? In what respect were the Articles of Confederation effective?

4. *Comparing Government Structures* — Invite students to imagine that the Articles of Confederation had remained the political foundation of the United States. Would the country have survived intact? Which amendments would have likely been adopted over time? Ask students to compare the Articles of Confederation to the structure of present-day international organizations, such as the European Union or the United Nations. Are the problems faced by these organizations comparable to the problems confronting America during the confederate period?

Homework:

Students should read Part IV of the background reading (pages 39-43 in the student text) and complete "Study Guide — Part IV."

Name:

Study Guide — Part III

The Articles of Confederation

1. Look up the word "confederation" in a dictionary and write down the meaning which you think best fits the arrangement that the thirteen states created.

2. Review Articles I, II, and III. Explain why one historian commented that after March 1781 there were fourteen semi-independent governments in America.

3. Why do you think that the authors of the Articles of Confederation gave each state equal representation in Congress, regardless of population?

4. According to Article VIII, how is the national government to be funded? What potential problems do you foresee in this arrangement?

5. According to Article IX, how many states were required to approve major decisions? According to Article XIII, how many states were required to approve changes in the Articles of Confederation?

6. The phrase "United States in Congress assembled" occurs frequently in the Articles of Confederation. Why is this phrase a better description of the new government than the phrase "United States of America," which is used only once?

Day 5

Name:

Evaluating the Articles of Confederation

Instructions: In this exercise, your group has been called upon to analyze the pitfalls of the Articles of Confederation. You have been assigned a case study that examines a problem area typical of the period from 1778 to 1788. After you have carefully read your case study, you and your fellow group members should work together to answer the questions below. Be prepared to share your conclusions with your classmates.

1. Summarize the political conflict presented in your group's case study.

2. What was the main cause of the problem?

3. How did the structure of the Articles of Confederation contribute to the problem?

4. How did the national government address the problem?

5. Who benefited from the government's approach to the problem? Whose interests were harmed?

6. With respect to your case study, how effectively did the confederation system function to promote the overall good of the republic?

Case Study #1 — Settling the National Debt

Under the Articles of Confederation, Congress decided how much each state should contribute to pay for the army and other national expenses. Congress could borrow money, print paper currency, and issue loan certificates. However, the national government did not have the power to raise revenue directly by taxing property, individuals, or imported goods. Only the states could collect taxes. The state representatives who drew up the Articles of Confederation in 1777 had sought to prevent the growth of a powerful central government.

During the War for Independence, Congress fell deep into debt. Many states failed to pay their share of the common expenses, and arguments among the states were frequent. The little gold and silver coin available was used mostly to pay the interest on loans from France and Holland. Americans who were owed money by Congress for supplies or services were issued loan certificates which promised annual interest and full payment at a future date. Congress, however, failed even to meet the annual interest payments, forcing struggling certificate holders to sell their certificates to speculators for a fraction of their face value. In turn, the speculators hoped that they would eventually be able to redeem the certificates for close to face value.

In early 1781, Congress appointed Robert Morris to serve as secretary of finance and granted him broad powers to deal with the wartime financial crisis. Morris insisted that the Articles of Confederation be amended to allow Congress to impose a 5 percent tax on imports. He proposed that the revenues be earmarked for paying war debts. Twelve state legislatures quickly agreed to the amendment. Rhode Island, however, said no. Even after Morris hired Thomas Paine to write articles condemning Rhode Island's decision, the state's governor and legislature stood firm. They declared that the power to raise revenue would make Congress "independent of their constituents [the states]; and so the proposed impost is repugnant to the liberty of the United States."

A high-ranking Congressional delegation was sent to Rhode Island to argue on behalf of the amendment. During their journey, the delegates received news that the Virginia legislature had unexpectedly overturned its earlier ratification of the amendment. The amendment was clearly sunk. A few months later, the American victory at Yorktown reduced the financial pressure on Congress.

After the Treaty of Paris of 1783 was signed, Congress owed $34 million to American creditors and $10 million to foreign creditors. Settling the foreign debt was given top priority, since the young nation needed to maintain a good credit rating among foreign lenders. American creditors were forced to wait.

Former officers in the Continental Army, led by George Washington, demanded prompt payment for their military service. Joined by other prominent creditors, they prodded Congress in April 1783 to propose another import tax to raise revenue. Under the amendment, Congress' power to tax imports would be limited to twenty-five years and the states had the authority to appoint the tax collectors. After three years, all the states but New York had agreed to the compromise plan, although some had attached conditions. Congressmen fearful of a strong national government suggested an alternative amendment under which the national debt would have been divided up and turned over to the states. They also argued that only the original holders of the loan certificates, not speculators, be entitled to interest and full payment.

In 1786, the New York legislature approved the amendment to give Congress the power to tax imports. Congress, however, refused to accept the conditions New York imposed. Further attempts at compromise failed. Although much of the national debt was in fact assumed by individual states, many creditors continued to hold seemingly worthless certificates.

Case Study #2 — The Pirates of North Africa

During the second half of the 18th century, much of the North African coast stretching from the straits of Gibraltar to Egypt was controlled by pirate chieftains. The pirates supported themselves mainly by preying on merchant shipping in the Mediterranean Sea. Ships and cargoes that fell into their hands were sold, while the captured crew members and passengers were either ransomed or forced to work as slaves.

Rather than going to the expense of stationing naval forces in the region, most European countries chose to pay the pirate chietains a yearly tribute to ensure the safety of the ships flying their national flags. The annual cost of protection ranged from roughly $100,000 to nearly $1 million. The "Barbary pirates," as they were called, were clever diplomats. They preyed on only a few European nations at a time, while temporarily maintaining peaceful relations with the others.

Until 1776, Britain's tribute to the Barbary pirates applied to colonial ships. With safe conduct passes issued by British authorities, American sea captains conducted nearly $4 million worth of trade with Mediterranean ports annually. The colonial rebellion, however, ended Britain's protection. During the war, the Americans failed to persuade the French to extend their protection to American ships.

In March 1785, Congress gave John Adams, Benjamin Franklin, and Thomas Jefferson the authority to conclude treaties with the Barbary pirates and authorized $80,000 for expenses and tribute. In the meantime, American sea captains used forged British and French passes to escape seizure.

In July 1785, two American ships were captured by pirates operating from Algiers. The ruler of Algiers refused to discuss a peace treaty with an American representative and instead demanded $59,000 in ransom for the crew members and passengers. The Americans remained in captivity after the negotiations broke down. At the same time, the ruler of Tripoli insisted that the United States provide him an annual tribute of $100,000. Again, efforts at negotiation failed.

American ship owners sailing in the Mediterranean were forced to pay staggering insurance rates. John Adams favored agreeing to the terms of the pirate chieftains, noting that the increased insurance rates were five times the cost of the tribute being demanded. In contrast, Thomas Jefferson recommended that the United States team up with European nations to defeat the pirates.

Jefferson's proposal won praise in several European capitals. At home, however, Congress informed Jefferson that it would not be able to supply the funding to allow the United States to participate in the plan. Jefferson reluctantly conceded that the United States had neither the might to combat the pirates nor the finances to pay them off. Meanwhile, the Americans captured by the ruler of Algiers continued to remain imprisoned. They were not to be released until 1795, after nearly $1 million in tribute had been paid.

Case Study #3: Soldiers in Time of Peace

One of the key points of friction between the colonists and Britain revolved around the stationing of British troops in colonial towns. Like their counterparts in Britain, colonial citizens feared that a standing army could become a tool for imposing a tyrannical government on the people.

Suspicions toward the military did not disappear with the outbreak of the War for Independence. George Washington and his generals regularly complained that they were not given adequate supplies to maintain the Continental Army. Food and clothing were often lacking, while the enlistment bonuses and wages that had been promised to soldiers were never fully paid. The state legislatures frequently withheld their shares of the war effort's expenses. On several occasions, entire regiments threatened to mutiny over back pay. Only gifts and foreign loans enabled Washington to keep the army intact.

The officers of the Continental Army were especially vocal in their complaints. Nearly all of them had enlisted for the duration of the war. Many spent large sums of their own money to equip themselves and their troops. In 1780, when colonial prospects appeared bleak, Congress promised to grant them a lifelong pension equalling half their regular pay once the war was over. Within two years, however, the pledge was withdrawn.

After the British surrender at Yorktown in October 1781, resentment within the officer corps grew. The officers felt that they would lose their influence over Congress once the army was disbanded and sent home. In February 1783, many of Washington's own staff officers joined forces with prominent creditors to devise measures to pressure Congress to settle its debts. They secretly discussed a plan to use the power of the army to compel the state legislatures to give Congress the authority to raise revenue. When Washington learned of the plot, he confronted his officers and harshly criticized them. A military coup was averted, but the debts to the Continental Army's soldiers remained.

With Congress' announcement on April 11, 1783, that the war was officially over, Washington agreed that his troops should be sent home immediately. Many of them, however, refused to put down their weapons until the issue of back pay was settled. After concern about a mutiny mounted, Congress paid the troops for three months of service. Under the Articles of Confederation, Congress lacked the authority to maintain a standing army in peacetime. America's entire military force, stationed mostly on the frontier, consisted of fewer than 700 soldiers.

The officer corps, however, did not quietly disband. Many of its members believed that they, not the politicians in Congress or the state legislatures, were best equipped to guide the young nation. In May 1783, they formed the Society of Cincinnati, electing Washington as their president. The officers had chosen an appropriate symbol for their organization. Cincinnatus was a Roman aristocrat who agreed to lead Rome against an invading army, performed his patriotic duty, and then returned to his farm.

The formation of the Society of Cincinnati met with opposition in the state legislatures and in the popular newspapers. Critics saw the society as a powerful pressure group working to create a military aristocracy and strengthen the national government at the expense of local control. The Massachusetts legislature denounced the society as "dangerous to the peace, liberty, and safety of the United States." A journalist detected the hand of "the prime, infernal prince of hell."

Case Study #4 — The Treaty of Paris of 1783

The Treaty of Paris of 1783 ended the War of Independence and recognized American independence. It was ratified by the Congress of the United States, not by the individual states. In some states, opposition to provisions of the treaty was fierce and continued to simmer over the next five years.

The treatment of the colonists who remained loyal to Britain was the thorniest issue. Perhaps 30 percent of the colonists had supported the mother country to some extent during the war. Many wished to return to their homes after the fighting. They also hoped to be compensated for property that had been seized or destroyed.

During the conflict, every state had passed "test" laws requiring its citizens to renounce their allegiance to King George III. The property of loyalists had either been seized or heavily taxed. Under the Treaty of Paris, loyalists were not to be persecuted further and Congress was to recommend to the states that returning loyalists be allowed to seek recovery of their property in the state courts.

In defiance of the treaty, many state legislatures and even town meetings passed resolutions opposing the return of the loyalists. The confrontation in New York, where nearly half of the population had been loyalist at one time or another, was particular bitter. The New York legislature in 1784 passed a law denying the vote to anyone who had helped the British during the war. The law was so sweeping that two-thirds of the citizens of New York City and the surrounding counties were prohibited from voting.

Another controversial provision of the treaty called on the states to permit British merchants to collect the pre-war debts of the former colonists. These debts had been payable in gold or silver coin. The planters of Maryland and Virginia alone owed nearly $15 million to British merchants. During the war, both states had passed laws enabling them to pay their debts with paper currency to their state treasuries. In exchange, the states issued certificates stating that the planters were freed from their debts to British creditors.

While state laws in Virginia prevented British creditors from using state courts to sue the planters for several years, Congress opened negotiations with the British creditors. In 1786, a compromise was reached in which the creditors agreed to drop their demand for interest charges and to accept repayment in five annual installments. Congress insisted that the states obey the treaty. Nonetheless, Virginia refused to accept the agreement.

At the same time, Congress lacked the power to force Britain to withdraw its troops from the Great Lakes region. Under the Treaty of Paris, Britain pledged to withdraw from forts that fell within the new boundaries of the United States "with all convenient speed." The outposts allowed Britain to control shipping in the Great Lakes and carry on the fur trade with local Indians. Despite repeated protests from Congress, the British held their ground.

A final dispute centered around an issue not specifically covered in the Treaty of Paris — the right of Americans living west of the Allegheny Mountains to use the Ohio and Mississippi river systems to transport their goods to New Orleans. The issue involved U.S. relations with Spain, since Britain had turned over control of New Orleans and Florida to Spain after the war. The Spanish feared U.S. expansion westward and refused to permit Americans to use the port of New Orleans. Instead, they proposed that Congress surrender claims to navigate the river systems for twenty-five years in exchange for Spain's promise to open trade between its colonies and the United States.

Seven northern states supported the agreement, ensuring its passage in Congress. Southerners and Westerners, however, were outraged. James Madison labeled the agreement "treason," while some westerners threatened to seize New Orleans themselves or negotiate a separate deal with Spain. A few even suggested rejoining Britain.

Case Study #5 — Debtors, Creditors, and Paper Money

In 1783, 90 percent of America's population lived on farms. During the war, farm products were in high demand by both the British and American armies. The British paid in gold or silver, while the Americans typically offered paper money printed by the individual states or by Congress. Money was plentiful.

The money supply, however, quickly dried up as the war ended. The gold and silver soon flowed back to Europe to repay war debts and purchase European imports. Moreover, Congress recommended in 1780 that the nearly worthless paper money in circulation no longer be accepted as legal tender.

The end of the war also meant that the states had to settle the huge debts they had accumulated during the fighting. Pennsylvania, for example, owed $22 million, while Virginia's debt was $20 million. Most of the money was owed to American troops or to merchants and farmers who had supplied American armies. In many states, over half of the annual budget went toward paying interest on war debts. During the war, the states had sold the property of loyalists to help offset their debts, but after 1781 they had no alternative but to raise taxes. Tax rates throughout America were much higher after the war than before.

Many farmers found themselves in an especially difficult situation. They were squeezed by higher taxes, demands from creditors, and falling prices for their crops. Moreover, the shrinkage in the money supply meant that fewer farmers were able to find creditors willing to lend them money in exchange for a mortgage on their land. Increasingly, farmers were forced to give up everything they owned to pay their debts.

Farmers banded together to fight against foreclosure. In some areas, they reclaimed livestock, tools, and other property that had been seized by local sheriffs. Officials were frequently threatened with physical harm. They also lobbied their state legislatures to pass "stay laws," which put a freeze of six months or more on the collection of debts.

Throughout the young republic, debtors were pitted against creditors in the political arena. At the center of the contest was the topic of paper money. In seven states, debtors had enough political clout to convince their legislatures to resume printing paper money. They contended that more money had to be put in circulation to enable them to take out new loans. In the other states, creditors won out, arguing that newly issued paper money would quickly lose its value. (In fact, the new paper money proved surprisingly stable, losing less than 10 percent of its face value annually.)

New York's experience with the issuance of paper money was typical. In 1786, New York printed nearly $1 million in paper money. The state legislature ruled that the new currency was to be considered legal tender for the payment of taxes and debts. The state also set aside some of the money to pay its own debts. Most important, farmers were allowed to borrow the paper money. They put up their land as collateral to secure their loans. While the expansion of the money supply did not eliminate New York's financial crisis, pressures on the state's debtors clearly eased.

The printing of paper money sparked the greatest controversy in Rhode Island. Merchants there refused to accept the new currency and instead closed their shops. Riots followed, with mobs forcing shopowners to sell their goods. Some farmers also refused to accept paper money. As the real value of Rhode Island's currency slipped, Congress refused to recognize it as legal tender. Congress, however, could not prevent the Rhode Island legislature from requiring that paper money be accepted within the state.

Case Study #6 — Western Lands

Disagreements over what to do with the lands west of the Appalachian Mountains delayed adoption of the Articles of Confederation. In several cases, two states laid claim to the same land based on their colonial charters. Meanwhile, states that had no claim to the western lands, such as Maryland and Delaware, argued that territories should be shared fairly among all the states. By January 1781, states with claims to the western lands had in fact surrendered them to the national government. Congress pledged that the lands would "be settled and formed into distinct republican states."

Questions surrounding settlement policy also proved to be controversial. "Squatters" — settlers without legal title to land — demanded that Congress recognize them as the owners of the land they farmed. At the same time, speculators often claimed that they had purchased thousands of acres from Indian tribes. The conflicting claims occasionally led to violence, forcing government troops to restore the peace. Most Congressmen mistrusted the settlers, who in turn had little respect for the political leaders of the east. Thomas Jefferson, however, championed their cause. Jefferson saw the settlers as the backbone of a healthy democracy based on proud, independent small farmers.

In July 1787, Congress approved a measure to settle the western lands bound by the Great Lakes, the Ohio River, and the Mississippi River. The plan, called the Northwest Ordinance, closely followed a proposal made by Thomas Jefferson three years earlier. Below are excerpts from the Northwest Ordinance.

> *Section 9:* So soon as there shall be 5,000 free male inhabitants of full age in the district, they shall receive authority to elect representatives from their counties to represent them in the general assembly...
>
> *Section 14:* The following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable unless by common consent:
>
> *Article I.* No person [conducting] himself in a peaceful and orderly manner shall ever be molested on account of his mode of worship or religious sentiments.
>
> *Article II.* The inhabitants of the said territory shall always be entitled to the benefits of the writs of *habeas corpus* and of trial by jury, of a proportionate representation of the people in the legislature...no cruel or unusual punishment shall be inflicted. No man shall be deprived of his liberty or property but by the judgment of his peers....No law shall in any manner whatever interfere with or affect private contracts.
>
> *Article III.* Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed toward the Indians.
>
> *Article IV.* The inhabitants and settlers in the said territory shall be subject to pay part of the federal debts contracted and a proportional part of the expenses of government to be apportioned on them by Congress.
>
> *Article V.* Whenever any of the said [territories] shall have 60,000 free inhabitants therein, such state shall be admitted into the Congress of the United States on an equal footing with the original states in all respects whatever; and shall be at liberty to form a permanent constitution and state government provided the constitution and state government so to be formed shall be republican and in conformity to the principles contained in these articles.
>
> *Article VI.* There shall be neither slavery nor involuntary servitude in the said territory... provided always that any person escaping into the same from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed.

Revisiting the Constitutional Convention

Objectives:

Students will:

- Analyze the cutting issues of the Constitutional Convention.
- Draw on historical knowledge to develop coherent arguments.
- Compare their own reasoning to that of the delegates to the Constitutional Convention.
- Evaluate the values, attitudes, and concerns of the convention delegates.

Required Reading:

Students should have read Part IV of the background reading and completed "Study Guide — Part IV."

Handouts:

- "Recalling the Mini-Debates of Philadelphia" (page 39).
- "The Mini-Debates of Philadelphia" (page 40-44) to appropriate groups.

In the Classroom:

1. *Evaluating the Framers* — Ask students to assess the attitudes and values of the delegates to the Constitutional Convention. What were the concerns that dominated their thoughts? What were their expectations for the future of the country? How did their economic interests shape their views?

2. *Preparing for Group Work* — Divide the class into five groups. Distribute "Recalling the Mini-Debates of Philadelphia" to each student and review the instructions. Assign two issues to each group and distribute the appropriate sections of "The Mini-Debates of Philadelphia." (Note that within the ten issues featured there are twenty-five distinct positions. In classes of fewer than twenty-five students, some students should defend two positions. In classes of more than twenty-five students, two students should defend a single position in some cases.)

3. *Advocating Positions* — Call on the groups to re-enact the debates that took place in 1787 on their assigned issues. After each issue is presented, poll the remaining students about their reaction to the arguments. Which positions were most convincing? What common threads run through the exchanges that took place in 1787? Invite students to compare their own reasoning with the arguments presented by the convention delegates.

4. *Historical Context* — After the ten issues have been reviewed, ask students to consider them in the context of 1787. For example, how did the experience of the War for Independence influence the outlook of the delegates toward the issuance of paper money? How did the problems that emerged under the Articles of Confederation shape attitudes toward the balance of power between the national and state governments? Why were delegates so sharply divided on the structure of the executive branch? Call on students to identify the historical lessons that were uppermost in the minds of the delegates.

Homework:

Students should read Part V of the background reading (pages 44-47 in the student text), "The Great Debate — Ratifying the Constitution of 1787" (page 48 in the student text), and complete "Study Guide — Part V."

Name:

Study Guide — Part IV

The Road to the Constitutional Convention

1. Why did the state legislatures become "political battlegrounds" in the 1780s? What were the main areas of friction?

2. Why did many prominent Americans view the Roman Republic as a model for their own young republic? Why did they believe that they were best qualified to rule?

3. What were the main arguments of the Federalists? Which groups were attracted to their arguments?

4. What were the main areas of weakness in the Articles of Confederation? What problems resulted from these weaknesses?

5. How did Shays' Rebellion contribute to the movement to reform the Articles of Confederation?

6. Why did Patrick Henry remark that he "smelt a rat" when he learned of plans to hold a convention in Philadelphia in May 1787? Were his concerns justified?

Recalling the Mini-Debates of Philadelphia

Instructions: The convention that took place in Philadelphia in the spring and summer of 1787 addressed the problems of the Articles of Confederation. As part of that effort, the delegates examined a variety of issues. The constitution that they proposed did not emerge from a single, focused discussion, but was instead the product of a series of mini-debates.

In this exercise, you will help bring those debates back to life. Imagine that you are a delegate to the Philadelphia convention. You and fifty-four other delegates have come to America's largest city, crowded with 45,000 people, to represent your respective states. As spring gives way to summer, the weather turns hot and humid. The second floor of the Pennsylvania State House where you are meeting is often stifling.

You and your fellow delegates generally support the strengthening of the national government, the establishment of a two-house legislature, and the addition of executive and judicial branches of government. Beyond that, however, there are sharp divisions. As the weeks pass, the disagreements clearly emerge. The ten questions below are among the issues that are most vigorously debated.

1. *How should members of the lower house of Congress be elected?*
2. *What should be done about the slave trade?*
3. *What should be the national government's role in issuing paper money?*
4. *Which governmental body or bodies should have the power to declare war?*
5. *How should the power of the executive branch be structured?*
6. *What should be the extent of executive veto power?*
7. *How should the proposed constitution be considered for ratification?*
8. *How should power be divided between the national and state governments?*
9. *How should the states be represented in the national legislature?*
10. *Should slaves be counted in determining representation in the national legislature?*

Your teacher will assign your group two issues to examine. Your group's assignment is to re-enact the debates that took place in 1787 on the two issues. Each member of your group will be expected to defend at least one position.

You should develop the strongest possible case for the position you have been given. Your arguments should reflect the values, interests, and attitudes of the delegates.

To help you present your position, you will receive excerpts from arguments that were made by delegates to the Philadelphia convention. (The excerpts are taken from the notes of James Madison.) Include the excerpts in your arguments. Be prepared to share your own views on the issues with your classmates.

The Mini-Debates of Philadelphia (Issues #1 and #2)

Issue #1 — How should members of the lower house of Congress be elected?

Position A: The state legislatures should elect members of the lower house.
"The [common] people should have as little to do as may be about the government. They lack information and are constantly liable to be misled." (Sherman, Connecticut) "The evils we experience flow from the excess of democracy. The people do not want virtue; but are the dupes of pretended patriots. In Massachusetts it has been fully confirmed by experience that they are daily misled into the most harmful measures and opinions by the false reports circulated by designing men." (Gerry, Massachusetts)

Position B: Citizens qualified to vote in elections for the state legislatures should elect members of the lower house.
"[The lower house] was to be the grand depository of the democratic principle of the government. It ought to know and sympathise with every part of the community. We ought to attend to the rights of every class of the people." (Mason, Virginia) "No government can long subsist without the confidence of the people. It is wrong to increase the weight of the state legislatures. The opposition of the states to federal measures has proceeded more from the state legislatures than from the people at large." (Wilson, Pennsylvania.)

Position C: Citizens owning land should elect members of the lower house.
"The freeholders [owners of land] are the best guardians of liberty; we should restrict the right to them as a necessary defense against the dangerous influence of those multitudes without property and without principle, with which our country like all others will in time abound." (Dickinson, Delaware) "Give the votes to people who have no property and they will sell them to the rich who will be able to buy them." (Morris, Pennsylvania.) "Viewing the subject in its merits alone, the freeholders would be the safest depositories of Republican liberty." (Madison, Virginia.)

Issue #2 — What should be done about the slave trade?

Position A: The slave trade should be abolished.
"Slavery is the curse of heaven on the state where it prevails. Compare the free regions of the middle states where a rich and noble cultivation marks the prosperity and happiness of the people, with the misery and poverty which overspread the barren wastes of Virginia, Maryland and the other states having slaves. The inhabitants of Georgia and South Carolina go to the coast of Africa and in defiance of the most sacred laws of humanity tear away their fellow creatures from their dearest connections. Domestic slavery is the most prominent feature in the aristocratic countenance of the proposed constitution. The vassalage of the poor has ever been the favorite offspring of aristocracy." (Morris, Pennsylvania)

Position B: The national government should not interfere with the slave trade.
"Let every state import what it pleases. The morality or wisdom of slavery are considerations belonging to the states themselves. What enriches a part enriches the whole and the states are the best judges of their particular interest." (Ellsworth, Connecticut.) "South Carolina can never receive the constitution if it prohibits the slave trade. In every proposed extension of the powers of Congress, that state has expressly and watchfully excepted that of meddling with the importation of negroes." (Pinckney, South Carolina) "Religion and humanity have nothing to do with this. Interest alone is the governing principle with nations." (Rutledge, South Carolina)

The Mini-Debates of Philadelphia (Issues #3 and #4)

Issue #3 — What should be the national government's role in issuing paper money?

Position A: The national government should not have the power to issue paper money.
"This is a favorable moment to shut and bar the door against paper money. The mischiefs of the various experiments which had been made are fresh in the public mind and have excited the disgust of all the respectable parts of America. The power may do harm, never good." (Ellsworth, Connecticut) "It will have a most salutary influence on the credit of the United States to remove the possibility of paper money. As long as it can be resorted to, it will be a bar to other resources." (Wilson, Pennsylvania) "Paper money is not a legal tender in any country of Europe." (Butler, South Carolina)

Position B: The national government should not be prohibited from issuing paper money.
"Although I have a mortal hatred of paper money, yet I cannot foresee all emergencies and I am unwilling to tie the hands of the legislature. The late war could not have been carried out if such a prohibition had existed." (Mason, Virginia) "I am a friend to paper money. I am opposed to a prohibition of it altogether. It will stamp suspicion on the government to deny it a discretion on this point. It would be impolitic to excite the opposition of all those who were friends of paper money." (Mercer, Maryland)

Issue #4 — Which governmental body or bodies should have the power to declare war?

Position A: The Senate and House acting together should have the power to declare war.
"I am opposed to giving the power of war to the executive, because the executive cannot be safely trusted with it. The Senate alone is not constructed as to be entitled to exercise this power. I am for clogging rather than facilitating war. (Mason, Virginia) "I never expected to hear in a republic a motion to empower the Executive alone to declare war." (Gerry, Massachusetts)

Position B: The Senate alone should have the power to declare war.
"The proceedings of Congress are too slow. It would meet but once a year. The House would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions. If the states are equally represented in the Senate then the small will have their all at stake as well as the large states." (Pinckney, South Carolina)

Position C: The president should have the power to declare war.
"The objections against the Congress as a whole are also valid against the Senate alone. The President alone will have the necessary qualities and will not make war but when the nation will support it." (Butler, South Carolina) "The executive should be able to repel and not commence war." (Sherman, Connecticut)

The Mini-Debates of Philadelphia (Issues #5 and #6)

Issue #5 — How should the power of the executive branch be structured?

Position A: An elected president should serve for life.
"I am of the opinion of so many of the wise and good that the British government is the best in the world. There can be no good government without a good executive. The English model is the only good one on this subject. The hereditary interest of the king was so interwoven with that of the nation that he was placed above the danger of being corrupted from abroad — and at the same time both sufficiently independent and sufficiently controlled to answer the purpose of the institution at home. Let the Executive also be for life." (Hamilton, New York)

Position B: Executive power should be divided among several men.
"I opposed strenuously a unity in the Executive magistracy. It is the fetus of monarchy. The genius of the American people requires a different form of government. Why cannot the great requisites [qualifications] for the Executive department be found in three men, as well as in one man. The Executive ought to be independent. To support its independence it ought therefore to consist of more than one. The three members of the Executive should be drawn from different portions of the country" (Randolph, Virginia)

Position C: The executive should be appointed by and responsible to the national legislature.
"The Executive magistracy is nothing more than an institution for carrying the will of the Legislature into effect. The persons or person ought to be appointed by and accountable to the Legislature only, which is the depository of the supreme will of the society. The Legislature are the best judges of the business which ought to be done by the Executive and the number should not be fixed, but the Legislature should be at liberty to appoint one or more as experience might dictate." (Sherman, Connecticut)

Position D: A national leader should be elected by the people for a fixed term.
"It may sound fanciful, but I am for an election of the executive by the people. Experience, particularly in New York and Massachusetts, showed that an election of the first magistrate by the people at large has been a convenient and successful mode. The objects of choice in such cases must be persons whose merits are well known. The term should be three years with reelection possible." (Wilson, Pennsylvania.) "I favor a term of at least seven years with a prohibition on reelection. This will prevent a temptation on the side of the Executive to intrigue with the Legislature for a reappointment." (Mason, Virginia)

Issue #6 — What should be the extent of executive veto power?

Position A: The national legislature should not have the power to override an executive veto.
"If the Legislature, Executive, and the Judiciary are to be independent, the Executive ought to have an absolute veto. Without such a self-defense the Legislature can at any moment sink it into non-existence. This power would be seldom used since the Legislature would know that such a power existed, and therefore would refrain from enacting such laws as it would be sure to have vetoed." (Wilson, Pennsylvania)

Position B: The national legislature should have the power to override an executive veto.
"It is not necessary for so great a control [absolute veto power] to be given over to the legislature, because the best men in the community will comprise the two branches of it." (Gerry, Massachusetts) "The negative [absolute veto] of the governor of Pennsylvania was constantly made use of to extort money. No good law whatever could be passed without a private bargain with him." (Franklin, Pennsylvania) "I am against enabling any man to stop the will of the whole. No one man could be found so far above all the rest in wisdom." (Sherman, Connecticut) "I am opposed to every check on the Legislature; it is sufficient to mark out in the constitution the boundaries of the Legislature's authority." (Bedford, Delaware)

The Mini-Debates of Philadelphia (Issues #7 and #8)

Issue #7 — How should the proposed constitution be considered for ratification?

Position A: The constitution should be ratified by the state legislatures.
"Popular ratification is unnecessary. The Articles of Confederation provides for changes and alterations to be made with the assent of Congress and the unanimous ratification of the state legislatures." (Sherman, Connecticut) "I am afraid of referring this new system to the people. The people in the eastern states have at this time the wildest ideas of government in the world." (Gerry, Massachusetts)

Position B: The constitution should be ratified by the citizens of each state.
"The state legislatures, being the ones who will lose power, will be most likely to raise objections." (King, Massachusetts) "Popular ratification is essential. The Articles of Confederation are defective in this respect and cause conflicts between the acts of Congress and the acts of the states. The new constitution should be ratified by the supreme authority of the people. (Madison, Virginia)

Issue #8 — How should power be divided among the national and state governments?

Position A: To be effective, the national government should deprive the state governments of power.
"Too much attachment is betrayed to the state governments. We must look beyond their continuance. A national government must soon of necessity swallow all of them up. I am against patching up the old federal system. It would be like putting new cloth on an old garment. The confederation was founded on temporary principles. It cannot last. It cannot be amended. The people at large are wrongly suspected of being opposed to a national government. The opposition lies among interested men who manipulate them." (Read, Delaware) "A federal system is a mere compact resting on the good faith of the parties; in a national government the central government has the complete power of compulsion. In all communities there must be one supreme power, and one only." (Morris, Pennsylvania) "The states must be kept in due subordination to the nation; if the states were left to act of themselves it would be impossible to defend the national prerogatives; acts of Congress have been defeated in practice by this. The universal negative [veto] is in fact the cornerstone of an efficient national government." (Pinckney, South Carolina)

Position B: The power of the national government should be limited and the remainder should belong to the states.
"The objects of the national union are few: defense against foreign danger, protection against internal disputes, negotiating treaties, regulating foreign commerce, and drawing revenue from foreign commerce. All other matters civil and criminal would be much better in the hands of the states. The people are more happy in small states than in large states [or governmental units]. I favor giving the national government power to legislate and execute only within a defined province." (Sherman, Connecticut) "The division of the country into distinct states forms a principal source of stability. This division ought to be maintained and considerable powers left with the states." (Dickinson, Delaware) "The national legislature with such a [veto] power may enslave the states. Such an idea will never be agreed to by the states. It has never been suggested or conceived among the people." (Gerry, Massachusetts)

The Mini-Debates of Philadelphia (Issues #9 and #10)

Issue #9 — How should the states be represented in the national legislature?

Position A: Representation in both houses should be based strictly on population.
"Whatever reason might have existed for the equality of suffrage when the Union was a federal one among sovereign states, it must cease when a national government is put in place. There is the same reasons for different numbers of representatives from different states as from counties of different populations within particular states." (Madison, Virginia.) "As all authority is derived from the people, equal numbers of people ought to have equal numbers of representatives. This principle was improperly violated in the Confederation, owing to the urgent circumstances of the time. Whether wealth or numbers were to form the ratio, it would be the same." (Wilson, Pennsylvania.)

Position B: All states should have equal representation in the national legislature.
"Proportional representation will strike at the existence of the smaller states. Since this convention was called...to revise the Articles, we...have no power to go beyond the federal scheme. We must follow the people; the people will not follow us. A confederacy supposes sovereignty in the members composing it and sovereignty supposes equality." (Patterson, New Jersey) "[The Federalists] insist that although the powers of the general government will be increased, yet it will be for the good of the whole; and although the three great states form nearly a majority, they will never hurt or injure the lesser states. I do not trust you, gentlemen. If you posses the power, the abuse of it could not be checked; and what then would prevent you from exercising it to our destruction?" (Bedford, Delaware)

Position C: Eliminate state boundaries and create thirteen new units with equal population, each having an equal vote in the legislature.
"The Confederation rightly settled this issue by allowing to each sovereign state an equal vote. Otherwise the smaller states must have been destroyed instead of being saved. The substitution of a ratio looks fair, but on deeper examination is unfair and unjust. The large states, Virginia, Massachusetts, and Pennsylvania will out vote everyone else. Is it fair that Georgia with one-sixteenth the population of Virginia have an equal vote? No it isn't. What is the remedy? The map of the United States should be spread out, all state boundaries be erased, and a new partition of the whole be made into thirteen parts." (Brearly, New Jersey)

Issue #10 — Should slaves be counted in determining representation in the national legislature?

Position A: Slaves should be counted in determining representation.
"Blacks must be included in the rule of representation equally with whites. The labor of a slave man in South Carolina is as productive and valuable as that of a freeman in Massachusetts. Since wealth is the great means of defense and utility to the nation, the slaves are equally valuable to it with freemen. Consequently, an equal representation ought to be allowed for them." (Butler, South Carolina) "Slaves are valuable, they raise the value of the land, increase the exports and imports, supply revenue and the means of feeding and supporting an army. They ought not to be excluded from the estimate of representation." (Mason, Virginia)

Position B: Slaves should not be counted in determining representation.
"I can regard negroes in no light but as property. They are not free agents, have no personal liberty, no faculty of acquiring property and like other property are at the will of their master. Has a man in Virginia a number of votes [in state elections] proportional to the number of his slaves? If negroes are not represented in the states to which they belong, why should they be represented in the national government? What is the true principle of representation? It is an expedient by which an assembly of certain individuals chosen by the people is substituted in place of the inconvenient meeting of the people themselves. If such a meeting of the people themselves was actually to take place, would the slaves vote? They would not. Why then should they be represented? (Patterson, New Jersey)

February 1788: Organization and Preparation

Objectives:

Students will:
- Analyze the issues confronting Americans in February 1788.
- Identify the core underlying values of the options.
- Integrate the arguments and beliefs of the options and the background reading into a persuasive, coherent presentation.
- Work cooperatively within groups to organize effective presentations.

Required Reading:

Students should have read Part V of the background reading, "The Great Debate — Ratifying the Constitution of 1787," and completed "Study Guide — Part V."

Handouts:

- "Considering Your Option — February 1788" (page 47) for option groups.
- "Concerned Citizens — February 1788" (page 48) for concerned citizens.
- "Travellers at the Inn — February 1788" (page 49-50) for concerned citizens.

In the Classroom:

1. *Constitutional Controversies* — Call on students to review the ten issues featured in "Recalling the Mini-Debates of Philadelphia." How were the controversies ultimately resolved? Ask students to identify the relevant passages in the excerpts of the constitution.

2. *Getting Started* — In order to save time in the classroom, form student groups before beginning Day Seven. During the class period of Day Seven, students will be preparing for the Day Eight role play. Remind them to incorporate the background reading into the development of their presentations and questions.

3a. *Option Groups* — Form three groups of three to five students. Assign an option to each group. Distribute "Considering Your Option — February 1788" to the three option groups. Inform students that each option group will be called upon in Day Eight to present the case for its assigned option to a group of Americans gathered at a public inn. Explain that the option groups should follow the instructions in "Considering Your Option — February 1788."

3b. *Concerned Citizens* — Distribute "Travellers at the Inn — February 1788" to the remainder of the class and assign each student a role. (In smaller classes, students may be assigned to more than one role. In larger classes, two students may be assigned to each role.) Distribute "Concerned Citizens — February 1788" to the concerned citizens. While the option groups are preparing their presentations, the concerned citizens should develop questions to be directed to the option groups on Day Eight. Each student should prepare at least two questions for each of the options. (See "Concerned Citizens — February 1788.") Remind the concerned citizens that they are expected to turn in their questions at the end of the simulation.

Extra Challenge:

Ask the option groups to design posters illustrating the best case for their options. The concerned citizens may be asked to design a political cartoon expressing their concerns.

Homework:

Students should complete preparations for the simulation.

Name: ______________________________

Study Guide — Part V

The Constitution of 1787

1. Why has the Constitution of 1787 been said to resemble a "patchwork quilt"?

2. What were the main differences between the Constitution of 1787 and the Articles of Confederation?

3. Compared to the Articles of Confederation, how did the Constitution of 1787 strengthen the power of the national government? Give specific examples from the excerpts of the constitution.

4. In your opinion, was the Constitution of 1787 more or less democratic than the Articles of Confederation? Give specific examples from the excerpts of the constitution.

5. Look up the term "coup d'etat" in a dictionary. Why would a historian have described the actions of the Philadelphia convention as a "bloodless coup d'etat"?

6. What were the main criticisms directed against the proposed constitution by the Anti-Federalists?

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Name: ______________________________

Considering Your Option — February 1788

Instructions: Your group is spending the night at a public inn located in one of the mid-Atlantic states. By coincidence, it is the very same inn in which you engaged in a spirited debate concerning the rebellion of the colonies twelve years ago. Also by coincidence, you have been joined by the same group of citizens that you met in February 1776. Only Reverend Howard Walford, the staunch British loyalist, is missing. He returned to England after the War for Independence. After dinner, the discussion at the inn turns to the constitution proposed by the Philadelphia convention five months ago. Your group's assignment is to persuade your fellow citizens at the inn that the United States should adopt your option.

After reading your option and the supporting materials, answer the questions below from the viewpoint of your option. This worksheet will help you prepare a three-to-five minute presentation that your group will deliver on Day Eight. Keep in mind that your group's presentation may include only information that was available in the winter of 1788. After all of the groups have presented their options, your fellow citizens will have an opportunity to challenge your arguments.

1. According to your option, how serious are the problems presently facing the United States? What are the main causes of the problems?

2. According to your option, were the delegates to the Philadelphia convention justified in disregarding their instructions and drafting a new constitution?

3. According to your option, is a bill of rights needed in the national constitution to protect individual liberty?

4. According to your option, summarize the main strengths and weaknesses of the proposed constitution. Give examples of specific articles from the constitution to support your case.

Concerned Citizens — February 1788

Your Role

You have been called upon to express the concerns of an American citizen in February 1788. You are spending the night at a public inn located in one of the mid-Atlantic states. By coincidence, it is the very same inn in which you engaged in a spirited debate concerning the rebellion of the colonies twelve years ago. Also by coincidence, you have been joined by the same group of citizens that you met in February 1776. Only Reverend Howard Walford, the staunch British loyalist, is missing. He returned to England after the War for Independence. After dinner, the discussion at the inn turns to the constitution proposed by the Philadelphia convention five months ago.

You will hear about three distinct positions, or options, for you and your fellow citizens to consider. The debate is especially important to you because you have not decided on your stance toward the proposed constitution. You are expected to evaluate each of the options from the perspective of the citizen you have been designated to represent.

Your Assignment

While the three option groups are organizing their presentations, you should prepare two questions regarding each of the options from the perspective of your assigned citizen. The questions should reflect the values, concerns, and interests of your role. Keep in mind that your questions should be based only on information that was available in the winter of 1788.

For example, an appropriate question about Option 1 from Silas Brattle would be:

> *Under Option 1, what would prevent the national government from depriving religious minorities, such as the Quakers, of their freedom of worship?*

On Day Eight, the three option groups will present their positions. After their presentations are completed, you teacher will call on you and your fellow citizens to ask questions. The "Evaluation Form" you receive is designed for you to record your impressions of the option groups. At the end of the activity, you will be expected to turn in your questions and the "Evaluation Form."

Travellers at the Inn — February 1788

Silas Brattle — You are now 57 years old. During the War for Independence, several of your ships were seized by the British. Your business, however, quickly recovered and is now growing rapidly. You are concerned that the national government has been unable to protect your ships abroad. Your state government has been controlled by supporters of paper money for the past few years, and at one point you even considered moving to another state. You have purchased, at far below face value, thousands of dollars worth of loan certificates. You hope that the national government will redeem them at close to their face value. As a Quaker, you are a strong defender of religious freedom and favor specific guarantees of individual rights in the proposed constitution.

George Lee — You are now 31 years old. During the War for Independence, you were wounded while serving in the Continental Army and expect to walk with a limp for the rest of your life. When peace finally came, you were released from the army with little to show for your sacrifice. You were forced to sell, at far below face value, the government notes promising you back pay. Since you now own a small shop, you enjoy the right to vote in New Jersey. You are proud to be a full citizen and are worried that, according to a few of your friends, the proposed constitution may lead to an aristocratic government. At the same time, you support the provision that gives your small state a voice equal to neighboring New York and Pennsylvania in the Senate.

Henry Walker — You are now 45 years old. You re-enlisted in the Continental Army in late 1777 and served until the end of the War for Independence, reaching the rank of captain. You are alarmed that many of your fellow officers seem to have turned away from the democratic principles for which you fought. You are especially suspicious of the Society of Cincinnati. You sympathize with the plight of your fellow farmers across the border in Massachusetts who rose up against the government under Daniel Shays last year. In fact, you feel that you too are the victim of unfair laws, such as the taxes which the New York legislature has placed on farm products sold in the towns of your state.

William Calder — You are now 37 years old. You and your wife, Elizabeth, have settled your family in the Ohio River Valley, where you were able to buy land cheaply. While you did not fight in the War for Independence, your younger brother was killed serving in a regiment of loyalists commanded by Squire Blake. As a frontier farmer, you recognize the importance of shipping your crops down the Ohio and Mississippi rivers. You are very distrustful of the eastern merchants who supported a deal that would have given up America's claim to use the Spanish port of New Orleans. A few of your more outspoken friends have discussed the possibility of establishing an independent country in the western lands or even seeking British protection.

Thomas vander Hoven — You are now 85 years old. As your health has declined, you have turned over the operation of your family estate to your eldest son. During the War for Independence, you managed to remain on good terms with both the British and the Americans. You profited by supplying both sides with food. You still hold thousands of dollars worth of loan certificates that have yet to be paid by the national government. One of your daughters is married to Governor Clinton of New York, a prominent opponent of the proposed constitution.

Charles St. James — You are now 64 years old. The War for Independence nearly drove you into bankruptcy. Without access to British merchants, you were unable to sell your tobacco abroad. At the same time, you avoided paying the debts you owed them for their earlier loans. In the last couple of years, you have found new markets in Europe with the help of Dutch merchants. The increase in sales has convinced you to acquire more land. Now you will need to double the number of slaves on your plantation. News of bloody slave revolts in the Caribbean has left you and your fellow plantation owners worried about your own safety. As a brigadier general during the War for Independence, you serve as president of the South Carolina Order of Cincinnati.

Rob Stewart — You are now 38 years old. Like before, you still work on the docks in Boston. In the evenings, you frequently attend town meetings. You are a committed follower of Sam Adams, the leader of the "popular," or democratic, faction in Massachusetts. In particular, you have taken to heart Adams' warning that the proposed constitution will give power to the wealthy. You have worked for the wealthy your entire adult life, first under British rule and now since independence. The political changes that have taken place have brought you little.

Michael Smithson — You are now 47 years old. You are the leader of a small community of settlers in western Georgia. During the War for Independence, you and a group of your neighbors attacked several Indian villages in your area, forcing the Indians to move further westward. You believe that the security and prosperity of the nation requires that the Indians be driven out of the territories and that Florida be taken from the Spanish. You also believe that paper money must be introduced to promote economic expansion.

Rebecca Howe — You are now 60 years old. You managed to keep your inn open during the War for Independence, although finding supplies was often nearly impossible. Fortunately, your son survived the war as well. Now you are working together to put your business on firmer footing. These days, your main complaint is with the financial confusion of the country. Your customers often want to pay their bills in paper money, which seems to drop in value every day. The problem is especially serious when it comes to paper money printed by other states. In the last year, you have insisted that bills be paid in gold or silver. However, that has meant that you have turned away many customers.

Walter Walford — You are now 40 years old. You have built a very successful law practice in Philadelphia. While supporting the need for a strong national government, you share the belief of James Otis and John Dickinson that the primary purpose of government is to protect the rights and liberties of the citizens. After speaking with several of the delegates who attended the Philadelphia convention, you favor the addition of a bill of rights to the proposed constitution. However, you are reluctant to oppose ratification of the present document. You fear that stopping the ratification process now would kill the whole effort to strengthen the national government.

Emily Campbell — Your are now 32 years old. Like before, you are still a barmaid at the inn. Although you volunteered as a nurse for the Continental Army early in the war, you soon came to resent having to take orders from the officers in command. They reminded you of the upper-class patrons at the inn who treated you like their servant. When the opportunity arose, you deserted from the army and returned home. Hundreds of soldiers did the same. Now, you are left to question what you were struggling for in the first place.

John Williamson — You are now a 37 year old. You have closely followed the debate on the proposed constitution and expect to be a delegate to the Virginia ratifying convention. Virginia's landowning elite, of which you are proud to be a member, is deeply divided over ratification. Some, such as George Washington and James Madison, played a crucial role in shaping the proposed constitution. Others, such as Patrick Henry, Thomas Jefferson, George Mason, and Edmund Randolph, have strongly opposed certain elements of the document.

Joshua MacGreggor — You are now 47 years old. During the War for Independence, you joined many of your fellow Scots in forming a loyalist regiment. In your first encounter, however, your force was ambushed by a rebel militia and many of your friends were killed. After being held prisoner for several months, you were released and you returned home. You vowed never again to become involved in political causes. You want nothing from government other than to be left alone. On your small farm, you grow just enough to feed your family and can barely pay your taxes. Fortunately, you earn a few dollars from the small amount of whiskey you distill. Although you do not pay the required tax on your whiskey sales, state officials have so far not bothered you.

February 1788: Debate and Discussion

Objectives:

Students will:

- Articulate the leading values influencing the debate on ratifying the constitution.
- Explore, debate, and evaluate multiple perspectives on competing political philosophies.
- Sharpen rhetorical skills through debate and discussion.
- Cooperate with classmates in staging a persuasive presentation.

Handouts:

- "Evaluation Form" (page 52) to the concerned citizens.

In the Classroom:

1. *Setting the Stage* — Organize the room so that the three option groups face a row of desks reserved for the concerned citizens. Distribute "Evaluation Form" to the citizens.

2. *Managing the Simulation* — Explain that the simulation will begin with three-to-five minute presentations by the spokespersons for the option groups. Encourage the spokespersons to speak clearly and convincingly.

3. *Guiding Discussion* — Following the presentations, invite the concerned citizens to ask questions. Make sure that each citizen has an opportunity to ask at least one question. The questions should be evenly distributed among all three option groups. If time permits, encourage members of the option groups to challenge the positions of other groups. During cross-examination, allow any option group member to respond. (As an alternative approach, permit questions after each option is presented.)

Homework:

Students should read Part VI of the background reading (pages 59-66 in the student text) and complete "Study Guide — Part VI."

Day 8

Name: ______________________________

Evaluation Form

Concerned Citizens — February 1788

Instructions: Answer the questions below from the perspective of your assigned role.

1. According to each option, how serious are the problems presently facing the United States? What are the main causes of the problems?

   Option 1:

   Option 2:

   Option 3:

2. According to each option, what are the main strengths and weaknesses of the proposed constitution?

   Option 1:

   Option 2:

   Option 3:

3. How would you and your family be affected by the proposed course of action of each option?

   Option 1:

   Option 2:

   Option 3:

4. Which of the three options would you support most strongly? Explain your reasoning.

Judging the Past

Objectives:

Students will:

- Analyze the values that influence the writing of history.
- Develop criteria for portraying the past.
- Assess the perspectives and standards that have shaped American historiography.

Required Reading: Students should have read Part VI of the background reading and completed "Study Guide — Part VI."

Handouts:

- "Looking into Your Past" (pages 55).

In the Classroom:

1. *Constitutional Change* — Ask students to imagine that the framers of the constitution were brought back to life. How would they view the changes in the interpretation of the constitution? Which changes would they consider most significant? How have other developments, such as the emergence of political parties, influenced the evolution of the constitutional system? Call on students to review the background reading to support their responses.

2. *Grappling with the Past* — Form groups of three to five students. Distribute "Looking into Your Past" and review the instructions with the class. Emphasize that the intent of the worksheet is to compel students to grapple with some of the same questions that confront historians. After the groups have completed the worksheet, invite group spokespersons to share their conclusions with the class.

3. *Historical Challenges* — Ask students to compare the process of crafting a family biography with the challenges of writing the history of our country. What values should guide textbook authors? Do they have a duty to instill pride in our nation? How do the history textbooks we read shape our attitudes about our identity as Americans and the future of our country? Should American history textbooks used in elementary and middle school take a different tone from those used in high school? Invite students to offer their own recommendations for revising their textbooks.

4. *Weighing Historical Forces* — Note that the conclusions reached by Charles Beard derived largely from his choice to emphasize economic data. Earlier generations of scholars had focused on the intellectual history of the development of the constitution. Ask students to present their own views on the writing of history. What forces are most critical in driving the course of history? Was Beard's approach the most appropriate for deepening our understanding of the framers? Note that our interpretation of American history changes with each generation. Ask students to predict how their generation will interpret the development of the constitution and other crucial junctures of American history. Call on them to discuss the validity of the following statement: "A nation's history is the mirror which we collectively construct from the past to view ourselves and our values. Each generation adjusts the mirror and passes it down to the next generation."

Homework: Students should complete "Life, Liberty, and the Pursuit of Happiness Today" (page 57).

Day 9

Name:

Study Guide — Part VI

Two Hundred Years of Constitutional Change

1. How were the Federalists able to win ratification of the proposed constitution?

2. In many states, delegates to the state ratifying conventions were divided along geographic lines regarding the constitution. What was the source of this division?

3. Why was James Madison convinced of the need to include the Bill of Rights in the constitution? Why was the addition of the Bill of Rights an important issue for many Americans at the time?

4. How have the supporters of failed amendments, such as those concerning child labor and equality between the sexes, pursued their goals by other means?

5. What central constitutional issue was settled by the Civil War?

6. How have the decisions of the Supreme Court changed the meaning of the constitution? Use an example from the "necessary and proper" clause to support your answer.

7. Why did *An Economic Interpretation of the Constitution of the United States* generate such controversy?

Name:

Looking into Your Past

Instructions: Imagine that your family tree includes two famous ancestors, perhaps a great great grandmother and a great great grandfather. You have been named after these ancestors. On hearing your name, strangers often ask if you are related to your famous ancestors. You are proud to be able to answer "yes." In this exercise, imagine that your group has decided to write a biography of your famous ancestors. You want the generations of your family that come after you to know more about them. The questions below are intended to present some of the challenges you might encounter in the course of your project.

1. List the types of sources, such as old newspapers, you would consult to learn more about your ancestors.

2. Imagine that you have finished your research. You have assembled much more information than you can fit into your biography. Now you must decide what to include, what to emphasize, and what to leave out. How will you make these decisions? (Keep in mind that the main purpose of your biography is to pass on your family's heritage to future generations. What values should guide your decisions? For example, is it most important to be honest about your ancestors, even if that means revealing information that will lower their stature in the eyes of future generations?)

3. Imagine that you have published a biography that reveals a great deal of new information about your famous ancestors. Many of your family members are upset by your work. They contend that you have written a negative portrait of your ancestors and have tarnished your family's heritage. How would you respond?

Day 10

Reassessing the Constitution

Objectives:

Students will:

- Articulate their views on individual rights and the purpose of government.
- Analyze the strengths and weaknesses of the U.S. Constitution.
- Cooperate with their classmates to develop a group consensus on constitutional issues.

Required Reading:

Students should have completed "Life, Liberty, and the Pursuit of Happiness Today."

Handouts:

- "The Second Constitutional Convention" (pages 58-59) for small groups.
- "Extra Challenge — Increasing Citizen Participation" (pages 60) as an optional activity.

In the Classroom:

1. *Preparing for Group Work* — Form groups of three to five students. Distribute "The Second Constitutional Convention" to each group and review the instructions with the class. Emphasize that students should use their individual responses to "Life, Liberty, and the Pursuit of Happiness Today" in contributing to the consensus of their groups.

2. *Sharing Views* — After the groups have completed "The Second Constitutional Convention" worksheet, invite the delegation chairpersons to share their conclusions with the class. To what extent do views on natural rights and the purposes of government vary from group to group? Which civic virtues were deemed most important by the class? Call on students to compare their present attitudes with those that they held at the beginning of the unit.

3. *Evaluating the Constitution* — Poll the groups on their response to the fifth question. Challenge the groups that advocate drafting a new constitution to justify their position? What revisions would they suggest? What are the dangers of their recommendations? Ask students to consider the durability of the constitution. Why has our constitutional system been able to weather more than 200 years of profound change? In what respect does the constitution reflect core American values? What potential challenges to the constitutional system do students foresee in the years ahead?

Extra Challenge:

Distribute "Extra Challenge — Increasing Citizen Participation" to the groups and review the instructions with the class. After the groups have had an opportunity to consider the four proposals, call on them to share their recommendations with the class. How serious is the problem of citizen alienation? To what extent do the forces of technology offer a means to increase citizen participation?

As homework, suggest that students draft a constitution to govern their schools or their families. They should use "The Second Constitutional Convention" worksheet as a guide. For example, they should begin by defining the natural rights of individuals in their schools or families, identify the main institutional purposes of their schools or families, and decide which virtues should be actively promoted. Finally, they should draw up a set of principles to govern the decision-making process in their schools or families. Urge students to review the U.S. Constitution for guidance.

Name:

Life, Liberty, and the Pursuit of Happiness Today

Every nation experiences crises — periods when the events of the day demand that fundamental assumptions, core values, and governmental institutions be re-examined. You have just studied two such periods — 1765-76 and 1786-89. There have been other periods of crisis in American history as well, such as the Civil War and the Great Depression.

Today, some of our country's leading political commentators suggest that we are experiencing another period of crisis. They argue that rapid economic and technological change, the breakdown of the family, the end of the Cold War with the Soviet Union, and other powerful forces have shaken the foundations of our society. To support their conclusions, they note that many of our core values and assumptions about government today face strong challenges.

Two questions are especially critical: 1) What role should the national government play in our lives? 2) Is our present structure of government best suited to promoting the life, liberty, and pursuit of happiness of America's citizens?

1. To help you think about these questions, list what you believe are the ten most important challenges facing Americans today. (For example, you might include in your list "getting a good education," or "protecting ourselves against terrorism.")

____ *1.*
____ *2.*
____ *3*
____ *4.*
____ *5.*

____ *6.*
____ *7.*
____ *8.*
____ *9.*
____ *10.*

2. Circle the challenges that either did not exist or were not considered important in 1787. (For example, nuclear war could not been imagined in 1787, while the issue of sex discrimination was hardly considered.)

3. Place two checkmarks next to the challenges in which you believe the federal government should play the dominant role. Place one checkmark next to the challenges in which you believe the federal government should play an important, but not a dominant, role. Do not check the challenges which you believe should be addressed by individuals, families, community groups, or state and local governments.

4. What do you think is the proper role of the federal government in promoting "life, liberty, and the pursuit of happiness." (Keep in mind that at the time this phrase was included in the Declaration of Independence, "happiness" meant overall well-being, not an emotional state.)

Name: ______________________________

The Second Constitutional Convention

Instructions: Imagine that a national convention has been called by two-thirds of the state legislatures to revise the constitution. You and your fellow group members have been chosen by the citizens of your state to serve as their representatives. At the opening session, the convention delegates decide, as was the case in Philadelphia in 1787, that the constitution is beyond the point of repair. Instead, you vote to draft a new constitution from scratch.

Your first task in this exercise is to decide who will act as the chairperson of your delegation and who will record your group's ideas. The questions below will help you organize your thoughts for developing a new constitution. Once everyone in your group has had an opportunity to present his or her views, you should work together on crafting a response that reflects the consensus of your group.

1. What natural rights should be enjoyed by all American citizens? (Recall that John Locke argued that we are born with natural rights and that governments should exist to promote and protect them.)

   A.

   B.

   C.

   D.

   E.

   F.

   G.

2. What should be the main purposes of the federal government?

   A.

   B.

   C.

   D.

   E.

   F.

   G.

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3. Which civic virtues, if any, should be promoted by the federal government? (Civic virtues are personal values and practices that contribute to the common good of society.)

   A.

   B.

   C.

   D.

   E.

   F.

   G.

4. How should the federal government promote important civic virtues and protect natural rights?

5. Now that you have answered the above questions, do you feel that a new constitution is needed to address the challenges of our society? If yes, briefly explain how your constitution would differ from our country's existing constitution. If no, briefly explain why you believe that our existing constitution will permit us to deal with the challenges ahead?

Name:

Extra Challenge — Increasing Citizen Participation

Instructions: Issues of representation would be certain to arise at a second constitutional convention. Advances in technology have given us new means to promote citizen participation in the decision-making process of government. Technology has also broken down the barriers of geography and created new communities that link people throughout the country. At the same time, many Americans today feel more distant than ever from their government.

In this extra challenge exercise, your group has been called upon to weigh several proposals for increasing citizen participation in government. Discuss them within your group and form a group opinion on whether they are desirable and practical.

Proposal #1

Representatives to Congress should be elected by age groups in proportion to their population. For example, the roughly 12 million Americans who are 18 to 20 years old would elect about 4.5 percent of the Congressional representatives.

Proposal #2

Representatives to Congress should be elected by specific interest groups in proportion to their population. For example, in a system that identified voters according to their occupations, farmers would elect about 2.2 percent of the Congressional representatives. In a system based on ethnic background, African-Americans would elect 13 percent of the representatives. (What interest group categories would you suggest?)

Proposal #3

Communication technology should be used to allow citizens to vote on important pieces of legislation. For example, everyone with a telephone could be given a unique access code that would allow them to register their vote. Congress would then be required to accept the results of the electronic polls.

Proposal #4

All citizens over 18 years old eligible to vote should be required to take part in elections. Citizens not voting should be fined.

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Alternative Five-Day Lesson Plan

Day 1: See Day One of the Suggested Ten-Day Lesson Plan. (Students should have read Part I of the background reading and completed "Study Guide — Part I" before beginning the unit.)
Homework: Students should read Part II of the background reading and complete "Study Guide — Part II."

Day 2: See Day Two of the Suggested Ten-Day Lesson Plan.
Homework: Students should read Part IV of the background reading and complete "Study Guide — Part IV."

Day 3: See Day Six of the Suggested Ten-Day Lesson Plan.
Homework: Students should read Part V of the background reading and complete "Study Guide — Part V."

Day 4: Assign each student one of the three options on the ratification of the constitution. Allow students to familiarize themselves with the mindsets of their options. Call on students to evaluate the benefits and trade-offs of their assigned options. How do the options differ in their overall philosophies toward individual rights and the purposes of government? Ask students to explain how their options respond to the cutting issues at the Philadelphia convention. (Suggest that they refer to "Recalling the Mini-Debates of Philadelphia.") Moving beyond the options, ask students to imagine that they are delegates to a state ratifying convention in 1788. Which values would guide their attitudes toward the proposed constitution? Which lessons from history would be uppermost in their minds? Which option would they recommend?
Homework: Students should read Part VI of the background reading and complete "Study Guide — Part VI."

Day 5: See Day Nine of the Suggested Ten-Day Lesson Plan.

Making Choices Work in Your Classroom

Like the art of cooking, cooperative group learning is a skill that is rarely perfected on the first attempt, either by teachers or students. Yet with careful preparation, guidance, and practice significant gains can be made quickly. No single recipe guarantees success with cooperative learning or the Choices approach in every classroom. That would be impossible, since each classroom differs in its organization and size, and its unique collection of personalities and needs. However, this section of the Teacher's Resource Book offers a variety of ingredients for teachers to use as they adapt Choices curricula to their classrooms. The suggested ingredients that follow have been drawn from educational research on student-centered instruction and, more important, from the experiences of teachers who have used Choices curricula successfully in their classrooms over the past six years. Educators who have questions about using Choices curricula in their classrooms are encouraged to contact the Choices Education Project in writing, or by calling (401) 863-3155. The Choices staff includes experienced classroom teachers who will be pleased to speak with you.

Designing Cooperative Learning Groups

Group Size: The key to successful cooperative group work is having a group assignment that is complex enough to require the participation of all group members. Planning the size and composition of working groups in advance is crucial to the successful use of Choices curricula. Research indicates that the ideal size for a cooperative learning group is four or five students. This is certainly the ideal size for group assignments in Choices units. When using Choices units in larger classes, the size of option (or, in the case of this unit, Future) groups may be expanded to six or seven students. However, it is important to keep in mind that whenever the number of students in a group is increased, the number of roles and expected outcomes must also be expanded.

Group Composition: A strength of cooperative learning is that it creates opportunities for students to work together in new combinations on challenging tasks.. Cooperative learning not only requires the academic skills of reading, writing, and critical thinking, but the interpersonal skills of communication, negotiation, and problem-solving. In most cases, this style of instruction and learning is most effective when students are assigned to groups by the teacher rather than being allowed to work with their friends. While random group selection can be effective, in most classes successful group composition requires that the teacher consider the personalities, strengths, and needs of the students.

Groups comprised of students with diverse strengths, talents, and needs are ideal. For example, artistic students might be assigned to different groups to share their talents and perspectives, while less verbal students could be placed in groups with more outgoing students to help draw them into the lesson. Whenever possible, teachers should try to prevent one student from dominating a group. Explaining the instructions, roles, and ground rules for cooperative learning (see below) helps prevent this. Teachers may choose to group aggressive students with each other, leaving room in other groups for less assertive students to emerge as leaders. Finally, even though the negotiation of roles among the students in a group can be a valuable part of the cooperative learning experience, teachers might choose to assign certain roles, such as group spokesperson, in order to encourage leadership from more reticent students and to keep more aggressive students from dominating.

Students may initially complain about being assigned to groups that do not include their closest friends. We have found that, at the conclusion of the assignment, they will usually express satisfaction with their assigned partners, recognize that they got more accomplished, and sometimes even acknowledge the start of new friendships. The additional time involved in planning group size and composition will pay off when students are actively engaged, debating, and thinking critically.

Preparing Students for Cooperative Learning

Provide Clear Written Instructions: As with any assignment, students benefit from instructions and guidelines that clearly outline expectations and how they will be accomplished. These should be given to students in writing and reviewed with the class. Afterwards, as questions arise within groups, students should refer to the written instructions and attempt to answer each other's questions before asking for the teacher's assistance.

Establish Ground Rules: Especially when cooperative learning is a new experience, students benefit from the establishment of ground rules that are explained before groups are formed. Ground rules must be kept simple, and should be designed to keep students involved and on task. Posting these rules in a prominent place in the classroom can be very effective. An example of simple but effective ground rules for the cooperative group assignments could be:

Everybody has a role (or a job)
Everybody participates
Nobody dominates
Nobody interrupts

These rules can be enforced by appointing one student to serve as the group manager. The teacher can make it clear that one of the group manager's responsibilities is to enforce the ground rules as the group explores its assigned option and prepares its presentation. The group manager might also be required to make sure that members of the group stay on task and attempt to solve problems before asking for the teacher's assistance. Ground rules that are clear and used consistently can, over time, become an integral component of the classroom, facilitating learning and keeping students on task.

Managing the Choices Simulation

Recognize Time Limitations: At the heart of the Choices approach is the role-play simulation in which students advocate different options, question each other, and debate. Just as thoughtful preparation is necessary to set the stage for cooperative group learning, careful planning for the presentations and debate can increase the effectiveness of the simulation. Time is the essential ingredient to keep in mind. A minimum of 45 to 50 minutes is necessary for the presentations and debate. Hence, if only one class period is available, student groups must be ready as soon as class begins. Teachers who have been able to schedule a double period or extend the length of class to one hour report that the extra time is beneficial. When necessary, the role-play simulation can be run over two days, but this disrupts the momentum of the debate. The best strategy for managing the role-play is to establish and enforce strict time limits, such as five minutes for each option presentation, ten minutes for questions and challenges, and the final five minutes of class for wrapping up the debate. It is crucial to make students aware of strict time limits as they prepare their presentations.

Highlight the Importance of Values: During the debate and debriefing, it is important to highlight the role of values in the options. Students should be instructed to identify the core values and priorities underlying the different options.

Moving Beyond the Options

As a culminating activity of a Choices unit, students are expected to articulate their own views of the issue under consideration. An effective way to move beyond the options debate to creating individual options is to have students consider which values in the options framework they hold most dear. Typically, students will hold several of these values simultaneously and will need to prioritize them to reach a considered judgment about the issue at hand. These values should be reflected in their own options and should shape the goals and policies they advocate.

Adjusting for Large and Small Classes

Choices units are designed for an average class of twenty-five students. In larger classes, additional roles, such as those of newspaper reporter or member of a special interest group, can be assigned to increase student participation in the simulation. With larger option groups, additional tasks might be to create a poster, political cartoon, or public service announcement that represents the viewpoint of an option. In smaller classes, the teacher can serve as the moderator of the debate, and administrators, parents, or faculty can be invited to play the roles of congressional leaders. Another alternative is to combine two small classes.

Applying Choices to Ability-Grouped Classes

Choices curricula are developed with the majority of high school students in mind. Choices units are not designed solely for students in honors or advanced placement programs. Nor are they designed specifically for students in remedial classes. However, the units are designed to be flexible enough for high school teachers to adapt for *any* classroom, and they have been used successfully in all kinds of classes. The Choices staff places confidence in the ability of teachers to decide which units are best suited for the courses and students they teach. The following suggestions may assist teachers of higher- and lower-ability classes in adapting Choices curricula to meet the needs of their students.

Lower-Ability Classes: It would be a mistake to believe that the Choices approach is too difficult for students in lower-ability classes. Teachers report that, with certain adaptations, Choices units can motivate higher levels of student participation, thinking, and confidence in lower-ability classes. Feedback from classroom teachers indicates that the following strategies lead to success with Choices in these classes:

- Maintain high expectations for student learning and thinking.
- Classes of all abilities do a better job with Choices the second or third time the approach is used. Skills in collaboration, communication, and critical thinking improve with practice.
- Some units are easier than others because the necessary background is particularly accessible. Use one of these first to give the students some experience with the approach.
- To make background readings more manageable, some teachers have students read aloud in class, stopping to discuss or clarify key points. Other teachers substitute shorter readings from the textbook or another source as background reading.
- Key concepts from the background can be explained in a mini-lecture format.
- Students can review and keep track of the important terms in a unit by creating their own glossary for reference throughout the unit.
- An extra day for review of the background, for group preparation, or for the development of individual options can be very worthwhile.

Higher-Ability Classes: Choices units have much to offer students in higher-ability and advanced placement classes. Students are challenged to understand the internal logic of different arguments and to extrapolate from these while playing the role of advocate. Two-week Choices units are especially rich in historical background, and they highlight the complex relationships among nations through many eras. Choices units on historical topics typically include a wealth of primary source documents for students to read and analyze. These documents can help to prepare students in advanced placement classes for the "Document Based Questions" included on advanced placement examinations. Extra challenge assignments are included in many lesson plans, and every Choices unit includes suggestions for additional reading and research.

Assessing Student Achievement

Grading Group Assignments: Research suggests that it is counterproductive to give students individual grades on cooperative group assignments. A significant part of the assignment given to the group is to cooperate in achieving a common goal, as opposed to looking out for individual interests. Telling students in advance that the group will receive one grade often motivates group members to hold each other accountable. This can foster group cohesion and lead to better group results. It may be useful to note that in addition to the cooperative group assignments, students complete individual assignments as well in every Choices unit.

Requiring Self-Evaluation: Having students complete self-evaluations is an extremely effective way to make them think about their own learning. Self-evaluations can take many forms and are useful in a variety of circumstances. They are particularly helpful in getting students to think constructively about group collaboration. In developing a self-evaluation tool for students, teachers need to pose clear and direct questions to students. A sample Group Project Self-Evaluation is included on the following page. Each student should complete his/her own evaluation as part of the unit. Two key benefits of student self-evaluation are that it involves students in the assessment process, and that it provides teachers with valuable insights into the contributions of individual students and the dynamics of different groups. These insights can help teachers to organize groups for future cooperative assignments.

Evaluating Student Options: The most important outcomes of a Choices unit are the original options developed and articulated by each student. These will differ significantly from one another, as students identify different values and priorities that shape their viewpoints. These options cannot be graded as right or wrong, but should be evaluated on clarity of expression, logic, and thoroughness. Did the student provide reasons for his/her viewpoint along with supporting evidence? Were the values clear and consistent throughout the option? Did the student identify the risks involved? Did the student present his/her option in a convincing manner?

Testing: In a formal evaluation of the Choices approach, it was demonstrated that students using Choices learned the factual information presented as well as or better than students who were taught in a more traditional lecture-discussion format. However, the larger benefits of the Choices approach were evident when students using Choices demonstrated significantly higher ability to think critically, analyze multiple perspectives, and articulate original viewpoints, compared to students who did not use this approach. Teachers should hold students accountable for learning historical information, concepts, and current events presented in Choices units. However, a simple multiple-choice examination will not allow students to demonstrate the critical thinking and communication skills developed through the Choices unit. If teachers choose to test students, they may wish to explore new models of test design that require students to do more than recognize correct answers. Tests should not replace the development of student options.

For Further Reading: Cohen, Elizabeth G. *Designing Groupwork: Strategies for the Heterogeneous Classroom* (New York: Teachers College Press, 1986).

Group Project Self-Evaluation

1. What did you contribute to this project?

2. List the names of your partners and briefly comment on each person's contributions.

3. What things went well within your group?

4. What problems did you encounter? How did you attempt to resolve these problems?

5. If you had this assignment to do over again, with the same partners, what would you do differently?

6. Overall, what grade do you think your group deserves on this assignment? Explain your response.

Publications List

The Choices for the 21st Century Education Project develops curricula for high schools and colleges on current foreign policy issues and offers workshops, institutes, and in-service programs for high school teachers. Course materials place special emphasis on the importance of educating students in their participatory role as citizens. All units incorporate the work of academics and policymakers from a range of perspectives and are classroom tested prior to publication. A new unit is published every three months during the academic year, and all units are updated regularly. For current information on new titles and revisions, call the Choices Education Project at (401) 863-3155 or visit the project on the World Wide Web at *http://www.brown.edu/Research/Choices/*.

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Classroom sets of student texts (15 or more of the same unit) are available at $5 per copy.

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